

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMRO ALI, M.D.,
Plaintiff,
vs.
WESTCHESTER MEDICAL COLLEGE
and NEW YORK MEDICAL COLLEGE,
Defendants.
-----)

) Case No.
) 19-cv-08324
) (DLC)(DCF)

DEPOSITION OF AMRO ALI

Via Videoconference

Hackensack, New Jersey

Tuesday, September 29, 2020

Reported by:

KRISTIN KOCH, RPR, RMR, CRR

JOB NO. 184246

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September 29, 2020

10:02 a.m.

Deposition of AMRO ALI, Via
Videoconference, before Kristin Koch, a
Registered Professional Reporter,
Registered Merit Reporter, Certified
Realtime Reporter and Notary Public of the
State of New York.

A P P E A R A N C E S: (Via Videoconference)

ROBERT W. SADOWSKI PLLC

Attorneys for Plaintiff

800 Third Avenue

New York, New York 10022

BY: ROBERT W. SADOWSKI, ESQ.

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.

Attorneys for Defendants

990 Stewart Avenue

Garden City, New York 11530

BY: PAUL F. MILLUS, ESQ.

DANIEL B. RINALDI, ESQ.

ALSO PRESENT:

NEWMAN J. HOFFMAN, ESQ., New York Medical
College

1 A. Ali

2 THE COURT REPORTER: Due to the
3 severity of COVID-19 and following the
4 practice of social distancing, I will not
5 be in the same room with the witness.
6 Instead, I will be reporting remotely and
7 will swear in the witness remotely.

8 Do all parties stipulate to the
9 validity of the remote reporting and remote
10 swearing and that it will be admissible as
11 if it had been taken following the Federal
12 Rules of Civil Procedure and the State's
13 rules where this case is pending?

14 MR. SADOWSKI: So stipulated by the
15 plaintiff.

16 MR. MILLUS: Same here.

17 A M R O A L I,

18 called as a witness, having been duly sworn
19 by a Notary Public, was examined and
20 testified as follows:

21 EXAMINATION BY

22 MR. MILLUS:

23 Q. Good morning, Dr. Ali. How are you?

24 A. Good morning, Mr. Millus. How you
25 are you doing today?

1 A. Ali

2 Q. Good, thank you. So we are going to
3 take your deposition today under oath and the
4 first question I ask is have you ever taken a
5 deposition before?

6 A. No, never.

7 Q. You have been listening to
8 depositions taking place and your counsel has
9 given certain instructions very consistent with
10 mine.

11 I am going to be asking you
12 questions. I don't want you to guess. Please
13 answer the question the best you can. If you
14 don't understand a question, please let me
15 know, because if you answer the question, I
16 have an assumption that you understood it. We
17 can have it read back, I could repeat it, I
18 could rephrase it, whatever needs to be to
19 done. Is that okay?

20 A. Okay. Thank you.

21 Q. If a question is before you and you
22 want to speak to your attorney, answer my
23 question first. You can take a break at any
24 time to speak to your attorney. Are you still
25 there?

1 A. Ali

2 A. Yes.

3 Q. Okay. Because I lost you. I gotta
4 get you back on. Can you get back on, sir?

5 A. Yeah. Yeah. There is high echo and
6 sometimes I don't hear voice, you know, there
7 is some vibration. I don't know why.

8 Q. I will back up from the speaker a
9 little bit.

10 A. Okay.

11 Q. So those are the basic instructions
12 during the course of this exam. I am going to
13 do this exam in essentially five phases. I
14 want you to understand that, because it will
15 make it easier as we go along and more
16 efficient.

17 First I am going to ask you about
18 your background, personal and professional, all
19 the way up to the point where you joined NYMC
20 as an instructor.

21 Then I am going to ask you about the
22 promise that you have alleged to have been
23 made, by whom, when, who else was there, how
24 was it made, how many times, things like that.

25 Then I am going to ask you a little

1 A. Ali

2 bit about your work history while at NYMC, the
3 type of things you did, although I am not going
4 to go into great detail regarding your
5 research, because I hear from everyone that it
6 was very good and I don't think that is at
7 issue.

8 Then I am going to go into the basis
9 for your claim that there might have been
10 discrimination based on whatever factor that
11 you think that might have occurred and we will
12 go into detail regarding that. Allegedly
13 discriminated, when, how, whatever that you
14 have in those regards.

15 Next I am going to go into
16 essentially what your damages are. You are
17 going to claim damages in this case,
18 contractual and/or emotional distress. I am
19 going to ask you about that.

20 THE COURT REPORTER: I'm sorry,
21 Mr. Millus, I'm not hearing you well.

22 "Contractual and" --

23 Q. Emotional distress.

24 And then I am finally going to ask
25 you about what you have done since you have

1 A. Ali

2 left NYMC. Okay?

3 A. Okay.

4 Q. So let's start. If you will grab
5 Exhibit A, which is the -- your curriculum
6 vitae or resume that you provided, I believe,
7 to Touro, and we will confirm that.

8 A. Yes.

9 Q. Okay. Do you have Exhibit A before
10 you?

11 A. Yes.

12 MR. MILLUS: For the record, this is
13 Exhibit A. This is Bates stamped NYMC/WMC
14 001991 through 001995.

15 (Defendants' Exhibit A, Curriculum
16 Vitae, Bates stamped NYMC/WMC 001991
17 through NYMC/WMC 001995, marked for
18 identification.)

19 Q. Now, you may refer to that or I may
20 ask questions regarding what's in it.

21 Where were you born, sir?

22 A. Alexandria, Egypt.

23 Q. Do you consider your nationality to
24 be Egyptian, despite the fact that you were
25 simply born in Egypt?

1 A. Ali

2 A. Yes.

3 Q. You are an Egyptian who was born in
4 Egypt.

5 Now, when did you attend medical
6 school?

7 A. I start my medical school 1988.

8 Q. And when did you graduate?

9 A. 1994.

10 Q. Now, is that customary, is that the
11 number of years, is it more or less in terms of
12 an Egyptian medical education?

13 A. No, this is customary the number of
14 years.

15 Q. Now, you graduated. What I want to
16 understand in a general sense, if you know,
17 when doctors graduate from medical school in
18 Egypt, is there a course of conduct, some may
19 do different things, some may go to law school,
20 but I am wondering is there a general course of
21 conduct that doctors take in terms of their
22 profession?

23 A. Yes, of course.

24 Q. What do they do?

25 A. Once you finish your M.D. and you

1 A. Ali

2 start having an interest in subspecialty, you
3 apply for it, but there is always a gap of time
4 one year, and this year you can spend it in the
5 way that you like, you can do some private
6 practice, you can apply for external resident
7 in the university to improve your chances.
8 This is all around one year.

9 After that there is two routes.
10 Either you go to the military service if you
11 are required to. If you don't go to the
12 military service, you go to work in underserved
13 area for two years, and that's what I did. I
14 did this in a small city called Fuka
15 (phonetic). You work as a general practitioner.
16 After that you start your residency. You
17 cannot start your residency before you perform
18 your military service or working in underserved
19 area.

20 Q. So if my math is correct, and
21 correct me if I am wrong, after medical school
22 it's about three years before you generally
23 would start your residency in Egypt?

24 A. Around.

25 Q. So you said particularly yourself

1 A. Ali

2 you did that, you had that year in between, you
3 did two years serving in an underserved area.

4 When you were serving in the
5 underserved area, were you specializing in
6 anything or was it just general medicine?

7 A. No, they are required by the health
8 minister at this time, or until now, that you
9 work on an underserved area as a general
10 practition, and this is to compensate for
11 people who don't have enough doctors there, so
12 no one working in the underserved area are
13 subspecialized.

14 Q. Now, so I guess this takes us to
15 about 1997. You apply for a residency in
16 Egypt.

17 A. Yeah, I applied before that.

18 Q. Okay.

19 A. But I got it by that time.

20 Q. Okay. Did you perform a residency
21 in Egypt?

22 A. Did I what? I'm sorry.

23 Q. Did you actually do a residency
24 while in Egypt?

25 A. Yes, I did.

1 A. Ali

2 Q. And the residency was in what
3 specialty?

4 A. Ophthalmology.

5 Q. How long did that residency last?

6 A. This residency can be last from
7 three years to five years. It depends on the
8 practice itself and the location. If you get
9 the residency in the university program, it be
10 done in three years. If you take it in the
11 health minister hospital, it can take more than
12 that.

13 Q. What did you do? What did you do,
14 specifically?

15 A. I went -- I did it in health
16 minister hospital.

17 Q. How long did it take you?

18 A. It took around four and -- four and
19 a half years. And just to be clear, during
20 this residency I came here and I did six months
21 of research in Columbia University at Harkness
22 Eye Institute, so that made it also longer.

23 Q. So while you were in the residency
24 in the Egypt residency program, you were in the
25 United States for six months performing

1 A. Ali

2 research; correct?

3 A. Yes, correct.

4 Q. Nothing clinical at that point;
5 correct?

6 A. No. No.

7 Q. So now what happens after you finish
8 the residency program in Egypt?

9 A. I got the opportunity to get my
10 Green Card and I came here, I applied for my
11 internship. I was lucky I matched North Shore
12 University at Manhasset for one year. It's a
13 preliminary spot, and after completion of this
14 spot I had been offered to stay as a
15 categorical, but because of my previous and
16 former training of ophthalmology and interest
17 of ophthalmology, I match in a position at
18 neuro ophthalmology fellowship.

19 THE COURT REPORTER: I'm sorry?

20 "Position" --

21 A. Neuro ophthalmology fellowship at
22 Henry Ford Hospital.

23 Q. Let me take you through that.

24 So at North Shore University your
25 curriculum vitae states you were there from

1 A. Ali

2 July 2002 to June of 2003, that's the one year;
3 correct?

4 A. Yes.

5 Q. Now, even though you were in an
6 ophthalmology residency and that was your
7 subspecialty in Egypt, is there a reason that
8 you had a general surgery internship at North
9 Shore University?

10 A. There are many reasons for that.
11 First, when you come from overseas to practice
12 in America, if you are looking for subspecialty
13 like ophthalmology or neurosurgery, people need
14 to trust your clinical skills, your clinical
15 judgment, your background, and they don't want
16 test this in the OR, so they always got
17 bridging to get one year of general surgery for
18 internal medicine to be involved in the system
19 to get the recommendation letter, let people
20 know you better, and I get -- based on the
21 recommendation letter from there I had been
22 offered to stay for a PGY2 in surgery, but
23 because of my interest of ophthalmology I
24 didn't accept that. I continued -- I decided
25 to go for a fellowship in ophthalmology.

1 A. Ali

2 Q. Let me ask you this.

3 A. Please.

4 Q. I understand your rationale for it.

5 What I am interested in is could you have

6 interned as an ophthalmologist in the United

7 States right after arriving?

8 A. No. You don't -- in the match, in

9 the San Francisco match you apply in

10 ophthalmology separate from your internship.

11 Now this year the system is changing. You

12 apply combined. You apply for four years. So

13 the program itself offer you the internship and

14 the three years. Before, no. Before you have

15 to go with your internship on your own and you

16 have to apply for the ophthalmology on your

17 own. So different system. The internship is

18 NRMPP (phonetic). The ophthalmology is San

19 Francisco match.

20 Q. Okay. So in other words, when you

21 were offered to stay for another year of

22 general surgery, you wanted to move on to

23 ophthalmology; correct?

24 A. I want to move on to improve my

25 skills and my chances in ophthalmology through

1 A. Ali

2 fellowships, yes.

3 Q. So the Henry Ford Health Care, where
4 is that located?

5 A. Michigan, Detroit.

6 Q. Now, what is an ophthalmology
7 fellowship?

8 A. Okay. Ophthalmology fellowship is a
9 clinical training or, just to be more specific,
10 ophthalmology fellowship can be clinical or
11 research. All fellowship that I will describe
12 now is the clinical one, which is -- I work
13 with. Ophthalmology fellowship is being
14 subspecialized in area of ophthalmology.
15 Ophthalmology is like eleven subspecialty.
16 After you finish your residency training, you
17 have a general knowledge about everything, but
18 if you need to practice something more
19 specific, you have to spend time in that, and I
20 did neuro-ophthalmology, I did uveitis, I did
21 retina. During this fellowship you are
22 licensed, you are seeing patient, you have full
23 responsibility to taking care of your patient,
24 and some fellowship like the uveitis you
25 operate in the OR, you can be the first surgeon

1 A. Ali

2 on the table, and in all that you are licensed.
3 You can't practice without license, without med
4 practice, without all these things.

5 The other thing, to have a
6 fellowship in ophthalmology, it means that the
7 person who hire you have a strong confidence in
8 your general knowledge in ophthalmology, have a
9 strong belief in your foundation, because when
10 you are a fellow you work hand to hand with an
11 American graduate who graduate for a residency
12 program in U.S., so you have to compete with
13 that. They have to trust you. And that's what
14 I did.

15 Q. On your Curriculum Vitae, Exhibit A,
16 it appears that you were at Henry Ford in two
17 different fellowships --

18 A. Yes.

19 Q. -- from June 2003 through December
20 of 2006. Am I correct?

21 A. Correct.

22 Q. Now, after you completed the
23 neuro-ophthalmology fellowship in June of 2004,
24 couldn't you have then sought out a residency
25 program for ophthalmology either at Henry Ford

1 A. Ali

2 Health Care or any other hospital?

3 A. That's a very good question. My
4 neuro-ophthalmology fellowship, it was the
5 first fellowship on my CV, and I'm sure if you
6 look at my CV, I built up my CV over years. So
7 by the time I was in Henry Ford Health Care
8 System, I just came from Egypt. I have only
9 master degree, I have an internship. The
10 second thing, Henry Ford, he didn't promise me
11 anything. I work in Henry Ford in a paid
12 position, with paid position for four years, so
13 I didn't work there for free for three years as
14 I did with Westchester. I never been promised
15 anything. All that I did, I did my job, I
16 applied one time and I didn't match, and that's
17 it. The point is ophthalmology is very
18 competitive and I know that. That's why I
19 sacrificed a lot of years and time to build up
20 my CV. When I was at Henry Ford, I have zero
21 publications. Today I have twenty. When I was
22 with Henry Ford, I have no grants. Today I
23 have one. At Henry Ford I have no chapter in
24 textbook. Today I have three. When at Henry
25 Ford I was not awarded by active member of

1 A. Ali

2 Academy of Ophthalmology. When I was at Henry
3 Ford, I was not in the editorial board for
4 three journal of ophthalmology and reviewing
5 people publications. I been awarded as F1000,
6 and just for clerical, F1000 it means your
7 publication in the top notch 5 percent in the
8 whole world which can change the management of
9 diseases.

10 Q. If I may, and I don't mean to --

11 A. No, no, please.

12 Q. I just want to make it clear. I
13 don't want to mischaracterize your testimony.
14 All right?

15 A. Okay.

16 Q. I think what you have just told me
17 is you felt the better path was establishing
18 your bona fides in research and understanding
19 of the field of ophthalmology rather than apply
20 for a residency at that time. Am I correct or
21 no?

22 A. No, you are not correct.

23 Q. Okay.

24 A. All what I said is to apply for
25 residency you have to have a strong CV. To be

1 A. Ali
2 competing with other people who graduated from
3 here, you have to have something special to
4 justify why I should offer you something and I
5 don't offer to the candidate who graduated from
6 here. So that's what I did. I worked very
7 hard to build up that year after year.

8 Q. Okay. I think we are saying the
9 same thing. I just want to close the loop on
10 it.

11 In other words, while you were at
12 Henry Ford, you decided that you wanted to
13 build up your CV in the field of ophthalmology
14 and you thought that was helpful to you in your
15 career; correct?

16 A. Correct.

17 Q. All right. But even though that's
18 the decision you made, and I'm not challenging
19 it, what I'd like to know is irrespective of
20 that, could you have sought a residency at
21 Henry Ford if you wanted to, if you decided "I
22 don't need to take another fellowship" or that
23 you thought you had enough information, could
24 you have?

25 A. This is a hypothetical question that

1 A. Ali

2 I cannot answer. I know from day 1 that I will
3 need to proceed and to build up my CV. I don't
4 know if I decide something different what would
5 happen.

6 Q. Let me -- and, again, I don't want
7 to get into hypotheticals, but I want to have
8 an understanding of this.

9 Do you know in general how other
10 ophthalmologists have furthered their career?

11 A. I'm sorry. I can't hear you.

12 Q. Do you know how other
13 ophthalmologists have furthered their career,
14 the choices that they have made to get
15 residencies?

16 A. Yes. Yes.

17 Q. Generally.

18 A. Okay.

19 Q. I am going to ask you a question.

20 Now, what I am interested in is
21 this: Is it required to do fellowships before
22 you can seek out a residency, or is that a
23 choice you made that you thought was the better
24 course of action?

25 A. No, it's not required. I say it's

1 A. Ali

2 better course of action, because many people
3 that I know, other international grad, who
4 maybe have even a Ph.D. in ophthalmology, they
5 came here, they approach ophthalmology, they
6 didn't match first time, second time, they
7 decided to change their career. Some people
8 decide to do neurology, some people decide to
9 do medicine, some people they try to do general
10 surgery. But I didn't give up. I just
11 continued, because I believe what I am doing is
12 the right track and will take me to what I
13 want, but I have many of my colleagues they
14 gave up and did many things else.

15 Q. Would you agree with me in general
16 obtaining an ophthalmology residency is more
17 difficult than some other specialties in
18 medicine?

19 A. I agree.

20 Q. So you finish up at Henry Ford and
21 then you go to New York Eye and Ear Infirmary
22 in June of 2007; correct?

23 A. Correct.

24 Q. Now, this was another fellowship;
25 correct?

1 A. Ali

2 A. Yes.

3 Q. Another fellowship in ophthalmology;
4 correct?

5 A. Yes.

6 Q. Okay. And would I be correct that
7 your decision to take another fellowship was,
8 again, another example of your trying to
9 establish your bona fides in ophthalmology?

10 A. Yes. I don't mean to interrupt you.
11 I would like to clarify something.

12 Q. Please.

13 A. Regarding -- because I understand
14 that question. Regarding New York Eye and Ear
15 and regarding Casey and regarding all these
16 institute, according to the records, New York
17 Eye and Ear --

18 Q. Go ahead. I'll unplug my phone.
19 Okay. Continue, please.

20 A. Okay. New York Eye and Ear, Casey
21 Eye Institute especially, they considered in
22 the top-notch their program nationwide, and to
23 get into ophthalmology it's a process
24 categorized between two things, you as a
25 candidate and the program. So when you look at

1 A. Ali

2 New York Eye and Ear and Casey and you see how
3 they arrived at number 9 and number 10 in the
4 country, you will see that your chances, it
5 will be great to get a great experience, to get
6 a great work, to get a great exposure, to get
7 the best recommendation letter from nationwide
8 great ophthalmologists, but when comes a point
9 to match there, it's the same like you are
10 going to apply in Harvard or apply in New York
11 Medical College. What's your chances to apply
12 in Harvard compared to New York Medical
13 College. That's the point. Your chances
14 definitely would be much lower in Harvard or
15 Johns Hopkins and all these places. So when I
16 was trained, I decided to be trained in the
17 best places because to get the best
18 recommendation letter, because I know that
19 would help me to go down to other programs,
20 which I can help them with area.

21 So to answer your question, if I
22 didn't match in these places, it doesn't mean
23 there is something wrong, and the proof was
24 that even in New York Medical College, Daniel,
25 who got the position at 2016, is an American

1 A. Ali

2 grad, he is a student of New York Medical
3 College, and he didn't match. He got his
4 position after the match as opposed to match
5 position. So not matching is not a stigma.
6 Not matching in big top-notch programs is not a
7 stigma. But for this program to accept you as
8 an international graduate and to be responsible
9 for the patient, dealing, treating, operate on
10 the patient, this is high confidence and high
11 trust I think they have for me and that's
12 supported by all recommendation letters I had
13 from there. So if I didn't -- if your point
14 that, oh, you went to New York Eye and Ear or
15 Casey and you didn't match there, yes, I didn't
16 match there. This is a very high competitive
17 program. They didn't even take people from the
18 Ivy League sometimes.

19 Q. I understand you may try to
20 anticipate what I am thinking. It's probably
21 best not to. We will move a little faster.

22 A. I'm sorry. I'm sorry.

23 Q. It's okay. It's okay. You are
24 answering the questions. That's all I could
25 ask. But you bring up the concept of the match

1 A. Ali

2 again.

3 While you were at the New York Eye
4 and Ear Infirmary, did you apply anywhere for a
5 residency in ophthalmology?

6 A. Usually I apply for very few
7 position. This is the route. Because we --
8 people in the field know very well that your
9 chances number one in the position that you are
10 in. Why? They know you, they work with you,
11 they know your pro and cons, and your chances
12 are always. And most of my friends who match
13 in different program, other IMG, they match
14 where they are working.

15 Q. Let me give you kind of an example
16 where I am going, because I don't know if you
17 answered the question directly.

18 Let's say I wanted to go to Harvard
19 undergrad, but I would never get in, so I might
20 choose for four years to do something else,
21 maybe gain some sort of knowledge in some sort
22 of field or whatever to enhance my bona fides,
23 and for those four years I am not going to
24 apply to Harvard, because I know I have got to
25 put four years in and maybe they will take me

1 A. Ali

2 as an older student.

3 What I am trying to understand is is
4 that during the period of time -- we are going
5 to go through each of these fellowships -- was
6 there any time that you said, "you know what, I
7 think I have enough under my belt in terms of
8 qualifications, I am going to take a plunge and
9 try to match and try to be an ophthalmologist
10 resident," did you do that while at the
11 New York Ear and Eye Infirmary?

12 A. I did one time, yes.

13 Q. Okay. And what year was that you
14 applied for the match, was it during that 2007
15 to, I guess, 2009?

16 A. I don't recall the year actually.
17 Maybe 2008, 2009. It's one time.

18 Q. So you testified earlier that you
19 wanted to really understand the profession,
20 establish your bona fides, and you felt
21 fellowships were helpful in that regard.

22 A. Yes.

23 Q. And now you decided to, okay, let me
24 see if I can get a residency. Did that happen?
25 The answer is probably no, but I just need you

1 A. Ali

2 to tell me.

3 A. I'm sorry. Can you repeat the
4 question again.

5 Q. Did you match anywhere between 2007
6 and 2009?

7 A. Did I match?

8 Q. Yes.

9 A. If I match, I should be in
10 residency. No, I didn't match.

11 Q. I know, but I just want to get it on
12 the record. But you did try and did not match.
13 Not criticizing, just asking.

14 A. That's fine.

15 Q. Now, when you did not match, did you
16 inquire to determine why you did not match?

17 A. Yes. I spoke to the program
18 director, Paul Sidoti, and I spoke to my
19 mentor, Michael Samson, and he said that I did
20 a good job and they asked me to stay one year
21 more and next year I should be have a better
22 chance at a match, but I felt it's two years,
23 should be enough to try there, and at the same
24 time I get the opportunity to do more uveitis
25 service, more uveitis training at Casey Eye

1 A. Ali

2 Institute with Dr. Rosenbaum, and it was great
3 chance, and uveitis I learned a lot and, you
4 know, he is one -- Dr. James Rosenbaum, he is
5 top person in uveitis in the whole world, so
6 get an opportunity to work with him at Casey
7 Oregon University was something that you cannot
8 just turn it down.

9 Q. Okay. You told me that they thought
10 you did a good job and they gave you some
11 recommendations.

12 A. Yes.

13 Q. We will get there in a moment.

14 But did you ask specifically why you
15 did not match and did you receive a response?

16 A. I remember that when I ask Dr. Paul
17 Sidoti, that was in Dr. Samson office, they
18 said it was competitive this year and you just
19 came in, you did a great job, we need you to be
20 more with us so we can support you more.

21 Q. Now, at the time I gather you did
22 not believe that you had been discriminated
23 against on the basis of national origin or age
24 when you failed to get that match while at the
25 New York Eye and Ear Infirmary; correct?

1 A. Ali

2 A. Because at that time I didn't work
3 for free for three years. I didn't get verbal
4 or written promises. I didn't help New York
5 Medical College to establish any of research.
6 I didn't offered a spot outside the match. I
7 didn't see that there are other position
8 created for other people offered without an
9 interview plus visa for other just for their
10 own interest. I never saw that. And just to
11 add on the record, I had a meeting with Dr.
12 James Tsai who was the chairman of the New York
13 Eye and Ear and was the chairman at Yale chair
14 before that, and during this meeting he
15 discussed with me that he had been offered
16 \$1 million at Yale to hire somebody from Gulf
17 area, and he told me it's against their ethics,
18 "we don't do that, I refuse that." So I saw
19 there something different, I work hard, I did
20 uveitis, until now my patients remember me --

21 THE COURT REPORTER: I'm sorry, sir.

22 Could you repeat that.

23 A. I work hard. I did uveitis. Until
24 now my patients remember me. I put the Samson
25 recommendation letter and I did great in what

1 A. Ali

2 I'm doing. If I didn't match, I still have all
3 respect for them. They didn't promise me
4 anything. And at least I have -- I'm a
5 full-time employee, well paid, well respected,
6 with no -- I don't know what the best way --
7 with no implement of any false promises.

8 Q. The short answer is you didn't feel
9 you were discriminated against; correct?

10 A. I'm sorry?

11 Q. The short answer is you didn't feel
12 you were discriminated against based on your
13 national origin or age; correct?

14 A. Why should I feel discriminated?

15 Q. Exactly. So there wasn't and that's
16 the answer. I get it.

17 Now, you go to Casey Eye Institute.

18 A. No, no, just question. I said why
19 should I feel discriminated? What did they do?
20 What did they do to make me feel discriminated?
21 Because I didn't match?

22 Q. Apparently, nothing, so therefore
23 you concluded --

24 A. Okay, because they did nothing.
25 They promised nothing. They didn't do anything

1 A. Ali

2 wrong or non-professional, so...

3 Q. I am trying to keep the promise --

4 A. Okay. No, okay.

5 Q. -- separate from national origin,
6 but if you want to put them together, that's
7 your prerogative.

8 Now, Casey Eye Institute, you were
9 there from June 2009 through June of 2012.
10 Okay.

11 Now, let me ask you about the retina
12 service in 2011, 2012. Did that include
13 patient care?

14 A. Yes. Dr. Flaxel.

15 Q. And when you were at the uveitis
16 fellowship, you say in your resume that you
17 applied for one grant, but I assume -- what was
18 that, was that a mixture of research,
19 application for grants and clinical, what was
20 that the, first one?

21 A. I'm sorry. Can you rephrase your
22 question, please.

23 Q. Yes, sure.

24 The first uveitis fellowship of two
25 years at the Casey Eye Institute in Oregon,

1 A. Ali

2 what were your duties?

3 A. Oh, my main duties was patient care,
4 and I was licensed.

5 Q. And you were what? I'm sorry.

6 A. I had my license, faculty license,
7 and my main priority every day I have a
8 full-time clinic, it's patient care, and going
9 to the OR too.

10 Q. Explain to me, because it's probably
11 easy for you to do, so if you have your
12 license, why would one need a residency? I
13 know it's a basic question. Could you explain
14 what that means? Because the court will be
15 reading this transcript at some point. If you
16 are licensed, you still need a residency? How
17 does it work?

18 A. Okay. There is different kind of
19 license. It varies from one state to another.
20 There is a limited, they call it sometimes
21 limited permit, or faculty license, or full
22 unrestricted license. The license that you
23 have when you practice without formal residency
24 training in U.S., it can be one of two things,
25 either a limited permit which allow you to

1 A. Ali

2 function fully but under the umbrella of the
3 hospital. It means you can see patients,
4 prescribe medicine, go to the OR, do
5 everything, but only under the hospital itself.
6 When you go on a higher level, like I was at
7 Casey, you have a faculty license, which is
8 also offered for you if you don't get your
9 training in U.S. But all this kind of license,
10 it's allow you full responsibility when you
11 practice seeing patient, operating, and doing
12 different things under patient care umbrella.

13 Q. What kind of license did you have in
14 Oregon?

15 A. In Oregon?

16 Q. Yes.

17 A. I have faculty license.

18 Q. So while you were at the Casey
19 Institute from June 2009 to June 2012, did you
20 again apply for the match?

21 A. Yes, I applied one time.

22 Q. Okay. And this is one time in
23 addition to the time you applied when you were
24 at the New York Eye and Ear Infirmary; correct?

25 A. Yes, yes.

1 A. Ali

2 Q. Again, by virtue of the fact we know
3 it's clear that you did not get the match the
4 second time; correct?

5 A. Okay, yes.

6 Q. Did you inquire of anyone as to why
7 they thought or why you did not get the match?

8 A. Yes, I did.

9 Q. Who did you inquire of?

10 A. I'm sorry?

11 Q. Who did you inquire of?

12 A. Dr. Rosenbaum. James Rosenbaum, my
13 mentor.

14 Q. Where?

15 A. At Casey Eye Institute.

16 Q. Okay. And what did you say to him
17 and what did he say to you?

18 A. By that time like I accepted him
19 that I work hard, I publish in interest. The
20 problem that we have another uveitis fellow
21 which was senior to me and she was
22 international medical graduate and she match
23 one year before me and it was very hard to get
24 two IMG back to back in two years. So by that
25 time I been advised next year I have been

1 A. Ali

2 offered a faculty position so I finish my
3 fellowship, I been faculty there, I work, but
4 during this time I have to move to New York
5 because my wife, she match in medicine and I
6 have a family and kids, so it was not feasible
7 for me to continue in Oregon and my family in
8 New York, so I decided to move with the family.

9 Q. And, again, I am only asking so I
10 can -- well, before we do that, IMG, would you
11 explain what that means?

12 A. IMG is the new terminology for FMG.
13 Before it used to be called foreign medical
14 graduate, but now they use international
15 medical graduate, so they make it close --
16 better.

17 Q. Now, in not getting the match while
18 you were at Casey Institute, did you believe
19 that not getting that match had something to do
20 with your age or your national origin or
21 anything else other than what you have
22 described?

23 A. No. First of all, people in Oregon,
24 they were very supportive, people very nice,
25 even they offer my wife a voluntary chance to

1 A. Ali

2 do some research there. I got great support
3 from them. Maybe you don't have the
4 recommendation letter from Dr. Rosenbaum,
5 because his philosophy always is in the letter
6 directly the institute where I applied, but I
7 have continuing support from them, I just even
8 talk with him recently about what happened in
9 Oregon, California. They are very honest, very
10 straightforward people. Again, I go there for
11 a job. I go there for a uveitis fellowship. I
12 know I sign on a contract for uveitis
13 fellowship. I know my jobs. I know my duties.
14 I am clear. Yeah, I have expectation. But the
15 expectation is based in two things, based on
16 your work and based on the institute you are
17 working for. So expectation from Casey
18 different from Harvard, different from New York
19 Medical College, different from Bronx Lebanon.
20 Each program have the pro and cons. That's
21 what I learned my time. So I work with Casey.
22 I was very happy. I mean, of course I wasn't
23 happy that I didn't match, but I know that
24 someone matched before me, I know her, she is a
25 very good friend, but she was there before me

1 A. Ali

2 and she applied and because she worked before
3 me, so it was a priority to give her the
4 position more than me.

5 Q. Now, it says in your resume that you
6 were at New York University from June of 2011
7 to the present, we will get to what present is,
8 and that you were still at Casey Eye Institute.

9 Were you doing both things at the
10 same time?

11 A. Yes.

12 Q. And for New York University, was it
13 strictly limited to research?

14 A. Yes.

15 Q. Were you offered a fellowship or did
16 you seek out a fellowship at New York
17 University?

18 A. Say again.

19 Q. Were you offered a fellowship or did
20 you seek out a fellowship at NYU?

21 A. NYU was not a fellowship. NYU was a
22 associate research scientist position.

23 Q. Do they have fellowships in some of
24 the sub-fields of ophthalmology just like other
25 hospitals?

1 A. Ali

2 A. Very few because of department at
3 NYU by that time, the chairman, who was
4 Dr. Jack Dodick. It was mainly clinical
5 department based on private clinics. It's the
6 same like New York Medical College. It was
7 just -- they have no fellowship. Most of this
8 attending, everybody have his own satellite,
9 his own clinic, he gets resident helping, and
10 they have no fellowship. So if I would say to
11 be more clear, at NYU maybe they have one
12 subspecialty which is neuroophthalmology, but
13 the program was not structured as a kind of
14 academic fellowship positions.

15 Q. When you decided that you had to
16 come back to New York, did you a apply for
17 fellowships at any other medical school or
18 hospitals in New York?

19 A. The only position I applied for by
20 that time at SUNY Downstate.

21 Q. And what happened with that?

22 A. I think -- that was a while ago. If
23 I recall right, the position was offered from
24 someone even when it was posted. That's what I
25 heard from some people inside.

1 A. Ali

2 Q. So you begin work as an associate
3 research scientist in June of 2011 and this
4 says to the present.

5 When was this curriculum vitae
6 prepared? Was it prepared right before you
7 went and associated yourself with NYMC?

8 A. Around that time, I believe.

9 Q. Here you are an associate research
10 scientist. Are you doing any clinical work
11 while at NYU?

12 A. No.

13 Q. By this time how many publications
14 had you written, by the time you prepared this
15 curriculum vitae?

16 A. I -- I don't count. I can count it
17 now.

18 Q. I mean, I see in the back it says
19 four. I just want to make sure. Actually, it
20 has posters and abstracts and publications.

21 A. The publication is ten.

22 Q. Ten.

23 A. And poster is four.

24 Q. Okay. Very good.

25 So how is it that you decided to

1 A. Ali

2 apply to NYMC?

3 A. How I decide to apply for NYMC? Is
4 that -- I'm sorry. Can you repeat the question
5 again?

6 Q. You are here in New York. You are
7 working as an associate research scientist for
8 NYU. And what makes you apply to NYMC or to
9 try to --

10 A. Okay. I got the question. So I
11 know Dr. Sharma at NYMC since I was at New York
12 Eye and Ear. In 2007, 2009 the chairman was
13 Dr. George Walsh and during this time New York
14 Medical College and New York Eye and Ear was
15 under the same umbrella, so I have many
16 interactions with Dr. Sharma through Dr. Walsh,
17 so I was aware about him and his work, and
18 during my stay at NYU I was develop cooperation
19 with different departments inside NYU and
20 outside NYU, and one of the people I approach
21 from different people is Dr. Sharma to work on
22 a project with a stem cell transplant and I had
23 known him from before, so we met couple of
24 times, we talk, he liked my projects, he liked
25 what I do at NYU. Then we interact the idea

1 A. Ali

2 about what's going on at New York Medical
3 College regarding the citation or the problem
4 with the research, and my presence would be
5 helpful there. I was very clear to him by that
6 time. I said you know what, I got the offer at
7 NYU, it's a very good offer, but my planning
8 is not to spend all my life to in research, I
9 like research, but I like also patient care, so
10 I expressed him clearly my interest, especially
11 he knows me from before when I was NYU, as I
12 said, he liked the work I did and he told me --
13 I expressed him that my interest do a
14 residency, and because it's a very clear that
15 people offer you a position or offer you
16 something and then by the time of the match
17 they come back and tell you, "oh, we didn't
18 know that you are this age, we didn't know that
19 you are foreign grad, we didn't know that this
20 is your board score" and --

21 THE COURT REPORTER: I'm sorry, sir.

22 I didn't hear the last part. "Foreign
23 grad" --

24 A. Board scores and different kind of
25 excuses then to get away from what they

1 A. Ali

2 promised. I was clear with him from day 1
3 where I was born, my age, my board score, and
4 everything. Not only that. In October 2015 of
5 the same year I met with him. I applied for
6 PGY2 advanced position and I submit my
7 application and I sent a copy of it to him and
8 to Dr. Wandel. So since October 2015 they have
9 my application with my score with my
10 recommendation, the ones that's here as exhibit
11 today, with all my certificate and everything
12 about my life. So I don't know. For some
13 reason he didn't see this except after the
14 match. Although they support me to get an
15 advanced position. Okay. So when I apply for
16 this position as advanced position as PGY2,
17 which is you start on a higher level than the
18 American graduate. American grad is PGY1
19 ophthalmology. But they felt I have extensive
20 experience in ophthalmology which allow me to
21 start at a higher level, and for this reason I
22 contact the American Board of Ophthalmology and
23 ACGME and they said that completely should be
24 fine --

25 THE COURT REPORTER: I'm sorry, sir,

1 A. Ali

2 you need to repeat that last part.

3 A. I contact the American Board of
4 Ophthalmology, I contact the ACGME and they all
5 said I can start my training on a higher level
6 if the program director approve it, but by that
7 time Dr. Bierman object and he thought that --
8 that's what I heard from Mr. Wandel. I didn't
9 interact with him directly. He thought that he
10 need someone who completed one year of training
11 in ophthalmology residency program.

12 Q. Sir, I have to interrupt only
13 because I know you want to get this in, I know
14 this is your theme, but I am asking questions.
15 I promise you I will get up to there and give
16 you a chance to talk.

17 A. Okay.

18 Q. Just let me ask you this.

19 A. Go ahead.

20 Q. Of all the places in New York after
21 you leave NYU that you can apply to, just tell
22 me directly why did you choose NYMC and did you
23 try and apply anyplace else in New York for
24 anything?

25 A. Apply for what? Apply for --

1 A. Ali

2 Q. I know that -- again, I'm not trying
3 to trick you.

4 A. No.

5 Q. You go from NYU to NYMC; right?

6 A. Yes.

7 Q. Okay. You filed an application,
8 which we will get to, which is Exhibit F.

9 What I am wondering is did you apply
10 anyplace else for any other position, whether
11 it be clinical, research function?

12 A. No, because I have been -- I have
13 been asked to apply for New York Medical
14 College.

15 Q. Okay.

16 A. That's based on the letter, the
17 e-mail from Dr. Sharma, Dr. Wong. They ask me
18 to apply for that position.

19 Q. Okay. Now you mentioned step 1,
20 step 2. I just want to clarify something.
21 Step 1 you passed in October of 1998; correct?

22 A. Around, yes. I don't recall the
23 date.

24 Q. Now, is that judged on a pass/fail
25 score or is there a particular score which

1 A. Ali

2 happened to be a passing score that you
3 received?

4 A. No, it has standard deviation and
5 scores, yes.

6 Q. What was your score on the step 1?

7 A. I believe it was 78, 79, something
8 like that. Below 80. It's in the record.
9 It's 78, I believe.

10 Q. Okay. And, again, if you recall
11 that's fine. If you don't, you can tell me
12 that.

13 What is passing? What is a passing
14 grade?

15 A. 75.

16 Q. So step 2, what is a passing grade?

17 A. The passing grade is always 75, but
18 it doesn't go by the grade. Because there is
19 always standard deviation. So 75 reflect
20 definitely the score and, for example, today
21 the passing score is 75. Fifteen years ago
22 when I took the test the passing score is 75,
23 but the mean and the average changed. The mean
24 and the average by that time was 85. Now
25 according to USMLE it's 98. So the curve

1 A. Ali
2 itself has changed. It's not about pass or
3 fail, not only that, because I know you are
4 asking about the score. According to the USMLE
5 AMA now, they decided to close the score to be
6 pass or fail only, because they found that the
7 score have not much value in assessment and
8 this is published online by USMLE.

9 Q. When did they decide your --

10 A. This is online. This is online I
11 can send it to you. This is publication from
12 the USMLE. It's available online. AMA also.
13 Because they found the value of a score in
14 evaluating outstanding physician becomes
15 relative.

16 Q. Okay. Jump to Exhibit F, if you
17 will. We are going to skip the other ones. Go
18 to Exhibit F.

19 (Defendants' Exhibit F, New York
20 Medical College Recommendation for NYMC
21 Faculty Appointment/Promotion, Bates
22 stamped NYMC/WMC 001996 through NYMC/WMC
23 002000, marked for identification.)

24 A. Can you give me a minute to get
25 that, please.

1 A. Ali

2 Q. Yes.

3 A. Oh, New York Medical College, yes, I
4 have it.

5 Q. Are you familiar with this document?

6 A. Part of it.

7 Q. Now, let me ask you something. Did
8 you fill this out or did you provide this
9 information? How was it completed, if you
10 know?

11 A. Okay. I filled page number 1, page
12 number 2, 3. After that I didn't see it.

13 Q. Okay. Okay. Go to page 3, which is
14 NYMC/WMC 001998. Go to that page.

15 MR. SADOWSKI: One thing, Paul, on
16 the first page of Exhibit F Dr. Ali's
17 Social Security number is there. If we
18 could, if you could in the exhibit that
19 goes with the transcript, if we could
20 redact the Social Security number.

21 MR. MILLUS: Sure. No problem.

22 Q. Okay. Go to 1998. Do you see that
23 page?

24 A. Yes.

25 Q. Now, in the Professional

1 A. Ali

2 Appointments and Activities section, the first
3 one up, Title Associate Research Scientist,
4 7/1/2012 to present, New York University. It
5 says department is obstetrics and gynecology.

6 A. Yes.

7 Q. Why were you in that department?

8 A. Thank you for that question. So
9 being in this department I worked with one of
10 the worldwide neuro scientists, Dr. Frederick
11 Naftolin, who is mainly OB/GYN, just to know
12 what we are doing there and why is it relevant
13 to OB/GYN. My major is ophthalmology and neuro
14 signs. Dr. Frederick Naftolin is the first one
15 in the world who established the presence of
16 estrogen in the brain and its neuro protective
17 effect on the eye.

18 THE COURT REPORTER: I'm sorry, sir.

19 A. Neuro protective effect.

20 Dr. Naftolin was the chair on the neuroscience
21 at Yale for 25 years and I knew him when I was
22 at New York Eye and Ear. That was the main
23 reason to join under his umbrella. And as a
24 researcher, you can get your first appointment
25 at anywhere, but once you get funded and you

1 A. Ali

2 get grant, you can take secondary appointment
3 or third appointment. So my work was mainly in
4 neuroscience if you see my publications during
5 this time, and even during this time I have
6 been funded by the Glaucoma Foundation, which
7 is, as you imagine, Glaucoma Foundation of
8 Ophthalmology, I have been funded the Glaucoma
9 Foundation by a grant for two years as one of
10 five people nationwide. So Glaucoma funded me
11 as one of top five people nationwide to study
12 the exfoliation glaucoma. So it's very clear
13 that my work was in ophthalmology and
14 neuroscience. It's just a matter of
15 appointment and where the money comes from, and
16 that's how it is in research. It's not like
17 clinic.

18 Q. Go to Exhibit G, sir.

19 A. G?

20 Q. Exhibit G.

21 A. Can I -- before we get that, can I
22 mention something?

23 Q. Sure, go ahead.

24 A. In page 1999, if you see my current
25 title, it says "clinical instructor" and I see

1 A. Ali
2 someone cross it out, "clinical." That's -- I
3 didn't -- I didn't see this paper. I don't
4 know who did and why.

5 The other thing, in page 2000 you
6 will see pending New York, New York license is
7 pending, and dated. So that's just for the
8 record that my appointment was for clinical.

9 The other thing, my name here was
10 misspelled, Amaro, Ali. So I'm not the one who
11 filled these things. Even the person who wrote
12 my name, he wrote it wrong.

13 Q. All right.

14 A. Thank you.

15 Q. Go to Exhibit G, please. For the
16 record, Exhibit G is --

17 THE WITNESS: Do you mind if I take
18 a short break, bathroom break.

19 MR. MILLUS: That's fine. Let's
20 take five minutes.

21 THE WITNESS: Five minutes. Thank
22 you.

23 (Recess was taken from 10:54 to
24 11:03.)

25 (Defendants' Exhibit G, letter dated

1 A. Ali

2 June 20, 2007, NYMC/WMC 000206 and NYMC/WMC
3 000207, marked for identification.)

4 BY MR. MILLUS:

5 Q. Do you have Exhibit G in front of
6 you?

7 A. I'm sorry. G or J?

8 Q. G as in George.

9 A. Okay. I'm sorry. I'm sorry. I
10 don't see the exhibit. Can you tell me what
11 it's about so I can look it up by the content.

12 Q. It's a letter dated June 20, 2007,
13 Dr. Yelon, Y-E-L-O-N.

14 A. Oh, okay.

15 Q. Regarding you to the program
16 director.

17 A. Yes, I have it. Thank you.

18 Q. Now, this document is a letter dated
19 June 20th, 2007, re Amro Ali. Okay. Dear
20 Program Director from Yelon. It is Bates
21 stamped NYMC/WMC 000206.

22 Sir, this letter, was this
23 submitted -- and there might be two letters
24 attached. Let's just look at the first page.

25 This letter, again, dated 2007, was

1 A. Ali

2 this submitted by you to NYMC as part of a
3 package of recommendation letters?

4 A. Submitted by me, yes.

5 Q. We know that you are applying for
6 the position in 2012, I believe, at NYMC. Why
7 did you choose to send a -- or give a letter to
8 NYMC that was dated five years before?

9 A. I have my recommendation letters
10 since I get my M.D. until the last letter from
11 Dr. Wandel, so I found continuity of this
12 support and show people every year what you are
13 doing is important.

14 Q. In other words, tell me if I am
15 wrong, you had a series of recommendation
16 letters that you had used previously that you
17 felt were relevant to submit to NYMC as well;
18 correct?

19 A. No, I submit all recommendation
20 letter. It doesn't have to be relevant or
21 irrelevant to NYMC.

22 Q. What I am saying is the 2007 letter
23 couldn't possibly have been prepared for NYMC,
24 because you didn't apply to NYMC until 2012, so
25 this letter was prepared for another

1 A. Ali

2 recommendation for another purpose; am I
3 correct?

4 A. No. This letter we always take it
5 from our director or chairman you are prepared
6 for position you finish any training, and once
7 in a while like if you get an old letter, it's
8 important to contact your mentor or supervisor
9 to get an updated one if you are applying or
10 you are not applying. It's good for your
11 records to have updated recommendations even if
12 you practiced with them a while ago.

13 Q. These letters I am going to be
14 showing you, separate exhibits, many of them
15 predate your application to NYMC by years.

16 Did you obtain or attempt to obtain
17 any updated letters from these people
18 recommending you, or did you simply utilize
19 prior recommendations that had been made?

20 A. Some of them I updated, some of them
21 not.

22 Q. Look at Exhibit G, second paragraph.
23 It reads: "Dr. Ali has a strong interest in
24 basic sciences and plans to incorporate this
25 into his professional career in his development

1 A. Ali
2 as an academic physician. His curriculum vitae
3 supports his ongoing interest in basic science
4 research."

5 When that was written in 2007, was
6 that accurate in describing you?

7 A. Okay. The second paragraph.
8 "Dr. Ali has a strong interest in basic
9 sciences and plans to incorporate this into his
10 professional career in his development as an
11 academic physician." Yes.

12 Q. Okay. Now, so as of 2007 were you
13 looking to develop as an academic physician
14 and, please, explain to me what an academic
15 physician is?

16 A. Thank you. There is two kind of
17 physician. There is academic and non-academic
18 or private. Academic physician, who is
19 assigned part of his time -- first of all, you
20 have to be appointed at university and you have
21 to have part of this time for research.
22 That's, you know, like for any big university,
23 give you three days clinic or four days clinic
24 and one day research. So being academic
25 physician it means you have to finish your

1 A. Ali

2 training to be board certified to do extensive
3 training in your fellowship, then you go in one
4 of the high university where they assign you
5 lab so you can see patient and you operate and
6 you do science, basic science research.

7 (Defendants' Exhibit H, letter dated
8 October 1, 2007, Bates stamped NYMC/WMC
9 000203, marked for identification.)

10 Q. Go to Exhibit H. This is a letter
11 from the New York Eye & Ear Infirmary dated
12 October 1st, 2007, re Amro Ali signed by
13 Dr. Ronald C. Gentile.

14 A. Yes.

15 Q. Do you see that?

16 A. Yes.

17 Q. Okay. If you look at the last
18 sentence of the first paragraph: "He performed
19 examinations, work-ups and treatment of uveitis
20 patients and participated in many research
21 projects and presentations."

22 So am I correct that while at
23 New York Eye & Ear Infirmary you also obtained
24 knowledge in researching projects and writing
25 and presenting projects; am I correct?

1 A. Ali

2 A. It was very -- it was very limited
3 there because --

4 THE COURT REPORTER: I'm sorry, sir?

5 A. It was limited, research was limited
6 there, because of high volume of patient you
7 don't have that much time to do research, but
8 of course as a fellow you have to do some
9 research, but --

10 Q. Okay. I'm sorry. Go ahead.

11 A. Okay. No, that's it. That's my
12 answer.

13 Q. In the second paragraph, six lines
14 down, it says: "He worked as a research
15 assistant investigating RPE cell
16 transplantation and gene therapy for retinitis
17 pigmentosa." Do you see that?

18 A. Yes.

19 Q. Was that accurate?

20 A. Of course.

21 Q. Third paragraph begins --

22 A. Just -- just mention something,
23 that's what I told you I did during my
24 residency when I came to Columbia as research,
25 six months research which I did it in the

1 A. Ali
2 middle of my residency in Egypt. So when you
3 ask me it was research, I said yes, it was all
4 completely research. So this six months in
5 Columbia was done when I was intermittent
6 residency in Egypt, not when I was staying here
7 between my fellowships.

8 (Defendants' Exhibit I, letter dated
9 August 16, 2005, Bates stamped NYMC/WMC
10 000204 and NYMC/WMC 000205, marked for
11 identification.)

12 Q. Now, let's go to Exhibit I, please.

13 A. Sure.

14 Q. Exhibit I, for the record, is a
15 two-page letter Bates stamped NYMC/WMC 000204
16 and 205 from Uday R. Desai, M.D., of the Henry
17 Ford health system dated August 16, 2005, re
18 Amro M. Ali, M.D.

19 Do you have that in front of you,
20 sir?

21 A. No. Give me a second, please.

22 Q. Take your time.

23 A. Okay. What is that exhibit number?

24 Q. Exhibit I.

25 A. This is a letter from New York

1 A. Ali

2 Medical College?

3 Q. It's a letter -- it's a letter that
4 is a recommendation for a residency for you.

5 A. Oh. I'm sorry. Who wrote the
6 letter?

7 Q. The letter is from the Henry Ford
8 Health System by Dr. Desai.

9 A. Okay. Yes. Desai. I have it.
10 Thank you.

11 Q. Now, the first sentence: "It gives
12 me great pleasure to recommend Dr. Ali for a
13 residency in Ophthalmology." Do you see that?

14 A. Yes.

15 Q. Did you ask the doctor to prepare
16 this letter on your behalf?

17 A. I always ask doctors I work with for
18 recommendation letters before I leave.

19 Q. Was there a particular residency
20 that this was being sent to, a particular
21 hospital, or was this for the match? Please
22 explain who it was going to go to.

23 A. I don't recall, but by that time it
24 should be to Henry Ford Health Care System.

25 Q. In other words, you were applying

1 A. Ali
2 for a residency at the Henry Ford Health Care
3 System?

4 A. Yes.

5 Q. Okay. And someone associated with
6 Eye Care Services there gave you a
7 recommendation; correct?

8 A. Yes.

9 Q. Yet you did not get the residency;
10 correct?

11 A. Yes.

12 Q. That was in 2005.

13 Let's go to Exhibit J, if you would.

14 (Defendants' Exhibit J, letter dated
15 August 25, 2008, Bates stamped NYMC/WMC
16 000201 and NYMC/WMC 000202, marked for
17 identification.)

18 Q. Do you have Exhibit J? A letter
19 from the New York Eye & Ear Infirmary dated
20 August 25th, 2008, from Sanjay Kedhar.

21 A. Yes, I have it.

22 Q. For the record, Bates stamp NYMC/WMC
23 201 to 202. Do you have that in front of you,
24 sir?

25 A. Yes.

1 A. Ali

2 Q. Now, this one also begins in the
3 first sentence: "It is a great pleasure for me
4 to write this letter in support of Dr. Amro
5 Ali's application for residency."

6 You see that; right?

7 A. Yes.

8 Q. Which residency was this letter
9 going to, which program, as a recommendation?

10 A. Again, we are talking about eleven
11 years, but -- I don't recall, but if I will
12 say, if it had New York Eye & Ear, so my best
13 bet I was applying at New York Eye & Ear.

14 Q. You didn't get that residency;
15 correct?

16 A. No.

17 (Defendants' Exhibit K, letter dated
18 June 28, 2013, Bates stamped NYMC/WMC
19 000198, marked for identification.)

20 Q. Go to Exhibit K, please. Exhibit K,
21 for the record, is a letter from Dr. David L.
22 Keefe, M.D., NYU School of Medicine dated June
23 28, 2013, Bates stamp the NYMC/WMC 198.

24 Do you have that in front of you,
25 sir?

1 A. Ali

2 A. Yes.

3 Q. Now, this letter is -- the first
4 sentence: "I am writing in strong support of
5 the application of Dr. Amro Ali for a residency
6 position in the Ophthalmology Department at
7 your institution."

8 What institution was he referring
9 to?

10 A. This is generic, "Dear Program
11 Director."

12 Q. Then tell me, what were you applying
13 for and where? Withdrawn.

14 Where were you applying for a
15 residency as of June of 2013?

16 A. As I said, usually I get these kind
17 of e-mail or letter of recommendation if I like
18 to apply any place or apply for any job, so I
19 always take it for the record, as I explained
20 before. During this time I didn't apply at
21 NYU. I don't recall where this was going for,
22 but I would say it was not going for NYU. I
23 think it's just a generic recommendation letter
24 the same I take from different mentors for me.

25 Q. Would I be correct that at times you

1 A. Ali
2 request recommendation letters that are going
3 to be directed towards a specific application,
4 other times you simply want to have them when
5 you apply for a residency; am I correct?

6 A. Most of the time I take it because I
7 need -- I have need to have it when I need to
8 apply for application, because sometimes people
9 busy, sometimes people moving, sometimes
10 changing the location, so it's important to
11 have a recommendation letter if you work with
12 someone.

13 (Defendants' Exhibit L, letter dated
14 July 22, 2013, Bates stamped NYMC/WMC
15 000199 and NYMC/WMC 000200, marked for
16 identification.)

17 Q. Go to Exhibit L, sir.

18 A. Exhibit what?

19 Q. L as in Larry.

20 A. Okay. I have it.

21 Q. For the record, a two-page letter
22 from Dr. C. Michael Samson of the New York
23 Eye & Ear Infirmary of Mount Sinai dated July
24 22nd, 2013, Bates stamped NYMC/WMC 000199
25 through 200.

1 A. Ali

2 This particular letter says -- it
3 starts in the first paragraph: "It is with
4 great pleasure that I write a letter of
5 recommendation for Amro Ali."

6 Now, do you know if this letter --
7 and you can look at it -- had anything to do
8 with being recommended for a residency or for
9 some other purpose?

10 A. I need a minute to read, please.

11 (Document review.)

12 A. From what I am reading, it can go
13 for residency, it can go for any other job.

14 Q. If you go to the last paragraph on
15 this page, the sentence that begins: "I was
16 also pleasantly surprised to see him back in
17 New York, where he is pursuing research."

18 A. Yes.

19 Q. Okay. And dot, dot, dot, close
20 quotes.

21 Did you ever ask Dr. Samson why he
22 was pleasantly surprised?

23 A. Yeah, because he thought I would
24 continue at Casey, but by this time he didn't
25 know that my family moved to New York.

1 A. Ali

2 Q. And it's true you were pursuing
3 research coming back to New York; correct?

4 A. Yes.

5 Q. Now, so when did you first meet
6 anyone associated with the ophthalmology
7 program at NYMC? And who did you first meet?

8 A. In what setting? In what setting?
9 Because I met people from NYMC when I was at
10 New York Eye & Ear in 2007. So what is the
11 setting we are talking about?

12 Q. When did you first meet anyone where
13 a possibility of your obtaining a position on
14 the faculty was discussed?

15 A. Oh, that's Dr. Sharma and that was
16 in October or November, the winter of 2015.

17 Q. '15?

18 A. '15.

19 Q. When did you start at NYMC?

20 A. The appointment letter that I got
21 was in February, but it was dated in December,
22 starting date, 2015.

23 Q. So up to the point that you started
24 at NYMC, were you still working at NYU?

25 A. Yes.

1 A. Ali

2 Q. You were still performing research?

3 A. But -- I was performing, but during
4 this time I had a car accident. I was sick for
5 like two month at least. I was in a cane, I
6 was broken, but technically I was at NYU, yes.

7 Q. While at NYU did you perform any
8 clinical work?

9 A. Why I didn't perform?

10 Q. No. While you were there at NYU,
11 did you perform any clinical work?

12 A. Oh, no, I didn't.

13 Q. So Dr. Sharma meets with you, I
14 think you said October, and talks about a
15 position. What does he tell you?

16 A. The first talk we had was about
17 research and my work would be important to
18 strengthen the area of weakness. I explained
19 to him that I am doing already research at NYU,
20 which is technically higher place, and there is
21 no point for me to move from research to
22 research, especially if I didn't pursue
23 residency by the end, so he raise a point that
24 we can establish uveitis service and can take
25 clinical privilege by --

1 A. Ali

2 THE COURT REPORTER: I'm sorry, sir.

3 Could you repeat that last part.

4 A. He raise a point that I can start
5 uveitis clinic and I can get my license,
6 because he have no uveitis service at
7 Westchester Medical Center, and he also
8 mentioned that I can be help to teach the
9 residents uveitis, because I got two
10 fellowships in uveitis, each one was two years,
11 so my presence would be useful from the
12 research point and from the clinical point.

13 Q. Anything else that he told you?

14 A. In the first meeting -- again, I
15 don't recall the first or second meeting, but
16 in the setting of this conversation we talk
17 about my situation, I explain to him I need to
18 be clear, because I don't want
19 miscommunication. I told him this is my
20 history, this is my CV, and I sent him my CV
21 with all recommendation letter you have it, the
22 dated and the outdated one, and I told him this
23 is my board score and he told me "you have a
24 low board score, but with the research and we
25 improving this area of the department, we can

1 A. Ali

2 overcome that and will speak to Dr. Wandel.

3 THE COURT REPORTER: I'm sorry, sir.

4 "We can overcome that and" --

5 A. And we can speak to Dr. Wandel. And
6 in the same setting I was clear with him that I
7 would things to be clear from the beginning
8 with him.

9 Q. Let's stick with Dr. Sharma. I
10 don't want to jump. It just makes it easier.

11 A. Okay.

12 Q. The first meeting you had was just
13 with Dr. Sharma; correct?

14 A. Yes.

15 Q. At that meeting did you tell him
16 that you wanted to get in to be a resident?

17 A. Of course I did.

18 Q. Okay. And what did he say in
19 response?

20 A. He said, "With your good work, we
21 can get you residency here."

22 Q. Before you even talked about
23 residency, in terms of the position that he was
24 offering or discussing with you, was it a paid
25 position, did you talk about money?

1 A. Ali

2 A. No. The plan was clear. He said,
3 "I don't have money, but with your good
4 research and good work, you will be -- have
5 your residency." So it was very clear his
6 exchange to work for free for residency from
7 day 1.

8 Q. Does Dr. Sharma have any control
9 over the San Francisco match, who gets matched
10 or not?

11 A. On San Francisco match, no.

12 Q. So if you were to apply for a San
13 Francisco match, Dr. Sharma's, quote unquote,
14 promise would mean nothing; correct?

15 A. Correct. But just to add something,
16 at Westchester Medical Center they always
17 offered position outside the match. The same
18 happened with Eric Rosenberg, the same how it
19 happened with Daniel, the same which happened
20 with last candidate from Gulf area. So we know
21 for the last ten years that Westchester Medical
22 Center goes a match with two position and keep
23 one position outside the match and give it to
24 the people who work with Dr. Sharma. This is a
25 fact had been ongoing for the last ten years.

1 A. Ali

2 Q. Did anyone at Westchester Medical
3 Center promise you that you would receive a
4 residency if you performed good research for
5 NYMC?

6 A. Dr. Wandel.

7 Q. Dr. Wandel?

8 A. Dr. Tad Wandel, yes.

9 Q. And was he associated with
10 Westchester Medical Center or NYMC at the time?

11 A. With both.

12 Q. We will get into Dr. Wandel in a
13 second.

14 A. Sure.

15 Q. When you sent over your resume to
16 Dr. Sharma, how did you send it?

17 A. I sent it two ways: By San
18 Francisco mail to the department and by
19 e-mail.

20 Q. And in that e-mail communication,
21 did you repeat that Dr. Sharma and you had
22 worked out a deal that if you did well for
23 research, you would be receiving a residency,
24 did you repeat that in the e-mail?

25 A. The e-mail I sent for Dr. Sharma was

1 A. Ali

2 two e-mails: One for a faculty position and
3 one for a PGY2 position, so there was no
4 setting in the e-mail to mention that.

5 Q. There was no what? I'm sorry. Say
6 again.

7 A. There was -- I sent Dr. Sharma two
8 e-mails with my -- with my application. The
9 first one was October 15 for advance position
10 as a PGY2, and the second one for a faculty
11 position. So there was no setting in these two
12 e-mails to mention to Dr. Sharma or Dr. Wandel
13 you promised it.

14 Q. But you came aboard and left NYU
15 when you were doing research because even
16 though you would be doing research at NYMC,
17 that you thought you would get a residency if
18 you did well; correct?

19 A. No, that's not correct. If you
20 review the exhibit that you saw on -- one
21 second, please.

22 Q. Please.

23 A. Okay. Exhibit F.

24 Q. Yes.

25 A. You see that the title that I was

1 A. Ali

2 getting, clinical instructor, I have a license
3 signed by Dr. Wandel and plan to get the
4 clinical privilege and to establish uveitis
5 service, and I was clear in my testimony
6 earlier I told Dr. Sharma I'm not moving from
7 research at NYU to research at NYMC. I was
8 moving because I promised clinical privilege
9 and that's why Dr. Wandel he signed my license
10 and that's why my title here was clinical
11 instructor and the appointment letter of the
12 dean was clinical instructor too.

13 Q. Is there anything in writing,
14 anything, an e-mail exchange, prior to the time
15 that you came aboard at NYMC that repeated that
16 Dr. Wandel or Dr. Sharma had promised you that
17 if you performed well, you would receive a
18 residency, anything?

19 A. After that, yes. Before that, no.

20 Q. We will get into that in a second.

21 So you come aboard. You start your
22 research. Correct?

23 A. Correct.

24 Q. In terms of your first attempt to
25 obtain a residency while you were doing only

1 A. Ali

2 research at NYMC, tell me when was that?

3 A. That was November 2016.

4 Q. So how long had you been performing
5 research up to that point at NYMC?

6 A. One year and three months, year and
7 a half.

8 Q. All that time did you receive any
9 remuneration, salary, wages, for the work that
10 you were doing?

11 A. No. As I had been told, the
12 department had no money and I would get my
13 residency in exchange.

14 Q. Did you understand at the time that
15 when you took on the position, that you would
16 not be paid for it, you would be a volunteer?

17 A. I know that I would be volunteer,
18 but I know that I would get my residency in
19 exchange, because there was no point for me to
20 move from a paid position to unpaid position
21 without promising something in return.

22 Q. You could have gotten both, right,
23 you could have gotten paid for the work you
24 were doing and still had the, quote unquote,
25 promise to get the residency; correct?

1 A. Ali

2 A. Not correct. The department had no
3 money.

4 Q. And you knew that at the time;
5 correct?

6 A. Yeah.

7 Q. So I would take it that you never
8 requested in writing that you be paid for your
9 services in terms of salary or wages; am I
10 correct?

11 A. I had been told, again, that I would
12 not be paid, because in return I would get my
13 residency, because if you -- your question in
14 separate setting I didn't request salary, but
15 they promised to deliver something in return,
16 so I didn't just work for free, because it
17 would be making no sense to move from a paid
18 position to an unpaid position just to waste my
19 time.

20 (Defendants' Exhibit M, New York
21 Medical College School of Medicine,
22 Academic Appointment, Promotion & Tenure
23 Policy & Procedure, Bates stamped NYMC/WMC
24 001974 through NYMC/WMC 001990, marked for
25 identification.)

1 A. Ali

2 Q. If you go to Exhibit M, sir, M as in
3 Mary.

4 A. One second, please. Okay. Yes.

5 Q. Now, do you see that?

6 A. Yes.

7 Q. Okay. This is a faculty handbook
8 effective 5/15/2015, Bates stamped NYMC/WMC
9 1974 through 1990.

10 Did you receive a copy of this when
11 you began your work as a volunteer?

12 A. It was an attachment on the Dean's
13 letter I received.

14 Q. Did you have a chance to review it?
15 Did you review it?

16 A. No, I didn't review it except
17 yesterday.

18 Q. Let's go to page 1976.

19 A. Yes.

20 Q. It says -- if you go to the word
21 Voluntary and it reads: "Voluntary: An
22 individual is considered a voluntary faculty
23 member of the SOM if they: Have been granted
24 a faculty appointment and are neither an
25 academically-salaried, nor a

1 A. Ali
2 professionally-salaried faculty member."

3 That describes what you were;
4 correct?

5 A. Yes, I assume so.

6 Q. Now, I take it that -- would you
7 agree with me -- we don't have to review the
8 whole document -- that there is nothing in the
9 handbook, the faculty handbook that says if you
10 perform well as a voluntary researcher, you
11 will obtain a residency position; correct?

12 A. Nobody would write this in any
13 handbook.

14 Q. It isn't. Thank you.

15 Let's go on. We get to the November
16 match, November 2016.

17 A. You want me to move this away?

18 Q. You can put it away. We are done.

19 A. Okay.

20 Q. You get to the November '16.

21 A. Yes.

22 Q. So between the time that you started
23 and November 2016, were there any other
24 residency positions with Westchester Medical
25 Center that you asked about or applied for?

1 A. Ali

2 A. Yes. As I mentioned earlier,
3 October 2015 there was advanced position at the
4 PGY2 ophthalmology and I applied for that
5 through the San Francisco match and I sent my
6 application by e-mail to Dr. Wandel and
7 Dr. Sharma, so by that time they should have
8 full application with more than twenty
9 recommendation letter, with my board score,
10 with everything in my history, and nobody
11 mentioned anything except that Dr. Bierman
12 object the fact that I didn't finish one year
13 of training in U.S.A. residency program.
14 That's the objection at that time.

15 Q. This was a match in October of 2015;
16 correct?

17 A. No, that was not match. That's not
18 match. That was a spot outside the match.
19 Match occurred in November.

20 Q. So, again, pardon me because I
21 forgot, when did you start at NYMC?

22 A. My first interaction with them was
23 around the winter, maybe October, November. So
24 the first position I applied to when I was just
25 starting with them.

1 A. Ali

2 Q. Was when? I'm sorry.

3 A. The first position I applied to when
4 I first interacted with them before I performed
5 research.

6 Q. Right. I am just -- again, when did
7 you start as a researcher at NYMC?

8 A. Again, the Dean's letter comes out
9 on February, but it was back-dated and I
10 started December.

11 Q. Please tell me the year. Okay?
12 February and December don't do me any good.

13 A. Okay. Okay. So the Dean's letter
14 came out February 2016, but it showed the
15 effective date from 2015, if I recall right.

16 Q. Well, whenever it was effective,
17 when did you start performing your services,
18 voluntary --

19 A. End of 2015.

20 Q. So are you saying that Dr. Sharma
21 promised you prior to December of 2015 that if
22 you performed research, you would obtain a
23 residency position?

24 A. Yes. Yes.

25 Q. Did Dr. Wandel promise you that

1 A. Ali

2 either December 2015 or prior?

3 A. Dr. Wandel promise that after
4 Dr. Sharma. It's two setting. What I have
5 been told by Dr. Sharma is the following: That
6 Dr. Wandel promised him many time over the
7 phone and in person that he will offer the
8 position. That's from Dr. Sharma. From
9 Dr. Wandel, on different occasions, I don't
10 recall the date, maybe 2015, I'm sure many
11 times during 2016, he mentioned, "You are doing
12 a great job, I will get you position." Not
13 only that, I saw myself an e-mail on
14 Dr. Sharma's screen that Dr. Wandel writing to
15 Dr. Sharma the following: "Amro is doing a
16 great job. We have to find him a position."
17 And this e-mail was not delivered from the
18 e-mail we ask for.

19 Q. Again, let's slow down, if we can.

20 A. Okay.

21 Q. Dr. Sharma is the first one to tell
22 you if you perform research and you do it well,
23 you will obtain a position; correct?

24 A. Correct.

25 Q. We will get to Dr. Wandel in a

1 A. Ali

2 moment.

3 A. Okay, sure.

4 Q. But the first match is in late 2015,
5 correct, the first match?

6 A. Yeah, I did apply this match.

7 Q. You did apply or you didn't?

8 A. No. I apply for unfilled position
9 outside the match in October 2015.

10 Q. Well, had you performed any research
11 services at all, let alone good research
12 services, by October 2015?

13 A. No.

14 Q. Well, therefore, the promise, you
15 would agree with me, that you say was made had
16 nothing to do with that first attempt at a
17 match, because you hadn't held up your end of
18 the bargain, you hadn't performed research by
19 that point; correct?

20 MR. SADOWSKI: Objection.

21 You can answer.

22 A. Okay. Let me clarify something.

23 Q. Please.

24 A. When the position was open for 2015,
25 I applied for it through e-mail for match.

1 A. Ali

2 Through match it means you just send your
3 application. You know, any position open in
4 the country, usually people post it online, so
5 you have to send your application through the
6 match as a process. That doesn't mean you
7 going through the match process. You just
8 sending your application through the match, and
9 that's usually for the advanced position. This
10 will carry the importance that people will know
11 your score, your background, they have the same
12 application that's used in normal match. What
13 I am saying, when the position opened in
14 October 2015, even before my research and my
15 promise and all these things, I apply for it.
16 The fact that I applied for this position even
17 without the promise shows that Westchester had
18 my scores, had my experience, had everything in
19 details by that time before promise me and
20 before let me work for there for free. So I
21 hope I make it clear.

22 Q. Okay. So in other words, the
23 promise, as you say, had nothing to do with
24 your not getting the match for the position in
25 2015, correct, had nothing to do with it?

1 A. Ali

2 A. No. Again, it's not -- it's not
3 match. Again, it's just apply for a position.

4 Q. Right. And it had to do -- in other
5 words, they couldn't make good on their, quote
6 unquote, promise, because you hadn't started to
7 perform research yet, that was simply another
8 application you had made that you didn't get;
9 correct?

10 A. No. The main problem for this
11 position, it was advanced. I supposed to go
12 for the first year of ophthalmology because I
13 finished my internship. This position was
14 supposed to go for second year of
15 ophthalmology. I didn't finish my first year
16 of ophthalmology, so going to second year
17 would be exception, which again objected by
18 Dr. Bierman. So that was the reason not to
19 offer me the position. I didn't complete one
20 year of training of ophthalmology in U.S.

21 Q. I will get to Dr. Bierman in a
22 little bit.

23 So you testified regarding
24 Dr. Sharma's alleged promise. Would you tell
25 me when was the first time that Dr. Wandel

1 A. Ali

2 promised you that if you did well in research,
3 you would obtain the residency position?

4 A. That happened on multiple occasions
5 in 2016. I don't recall the date. I think it
6 would be in the beginning, maybe February or
7 January, around this time, but it happened
8 multiple time with me, it happened multiple
9 time with Dr. Sharma.

10 Q. So was anyone else present when
11 Dr. Wandel made this alleged promise to you on
12 multiple occasions beginning in or around
13 February 2016?

14 A. Usually when I have a conversation
15 with him it is one to one in his office or in
16 the cafeteria or something. I don't -- I don't
17 bring any witnesses. I don't recall anybody
18 with us.

19 Q. Now, did Dr. Wandel ever promise in
20 writing, to your knowledge, that said in words
21 or substance 'if you perform your research
22 well, then we will get you a residency
23 position'?

24 A. Yes. He sent this e-mail to
25 Dr. Sharma. I saw it myself on his screen.

1 A. Ali

2 Q. Now, are you saying Dr. Sharma
3 received that e-mail from Dr. Wandel that you
4 read on Dr. Sharma's screen?

5 A. Yes.

6 Q. How was it that you got an
7 opportunity to read an e-mail on Dr. Sharma's
8 screen?

9 A. Dr. Sharma showed it to me himself.

10 Q. Did he give you a copy of it?

11 A. No. I would not ask for a copy, but
12 I assume it should be come in the e-mail
13 produced by Westchester.

14 Q. Now, did the e-mail specifically
15 state that 'we gotta get him a position as a
16 resident because he is doing a good job'?

17 A. Okay. You asked me how he phrased
18 the sentence. Amro did a great -- even I wrote
19 it in one of -- I wrote it in the appeal
20 letter. 'Amro did a great job in research. We
21 have to find him a residency position or a
22 spot.' That's according to the best of my
23 recall.

24 Q. Okay. Do you recall anything else
25 about this e-mail?

1 A. Ali

2 A. No. It just was one line. It just
3 was one line.

4 Q. Well, did you read the entirety of
5 the e-mail or just one portion?

6 A. No, I read the entire e-mail.
7 Dr. Sharma, I was sitting next to him, he asked
8 me, "Wandel is happy with your work, look what
9 he said."

10 Q. Other than Dr. Sharma and
11 Dr. Wandel, did anyone else associated with
12 either NYMC or WMC ever promise you that if you
13 did good in research, you would get the
14 position of a resident?

15 A. Doctor -- the acting chair by that
16 time, Dr. Wong, who technically hire me or
17 support me with the appointment with the Dean
18 letter, he was aware that I would be one of the
19 resident and he was training me in the retina,
20 because I have to cover him when he would be
21 away before I get the results with Step 3, so
22 he was aware that I am starting as a resident,
23 but he didn't -- he is not the one who promised
24 me, but he was aware about the promise.

25 Q. He was aware about the promise?

1 A. Ali

2 A. Yes.

3 Q. How do you know that?

4 A. I'm sorry?

5 Q. How do you know he was aware about
6 the verbal promise?

7 A. Because I had been called by his
8 office, by his assistant, Randi Hartman, and
9 she told me, "You need to come over, start your
10 orientation and do your physical and to do your
11 medical, so you will start at Metropolitan once
12 you pass the Step 3." And she took me around
13 in the whole hospital, Metropolitan, introduced
14 me to everybody, "Dr. Ali, he will join us as a
15 resident, PGY2, after he passing his Step 3."

16 Q. Let's try to stick with Dr. Sharma
17 for a moment. Dr. Sharma, he is not a medical
18 doctor; correct?

19 A. What I know, that -- what I know,
20 that he have an M.D. degree, but he is mainly
21 research. Maybe I am wrong. I didn't review
22 his CV, but what I know that he have an M.D.
23 degree. At point of time he mentions it.

24 Q. Would you agree with me that
25 Dr. Sharma, even if he made this promise, was

1 A. Ali

2 not empowered to make good on it because he did
3 not have the authority to have you appointed as
4 a resident, would you agree with me?

5 A. No, I don't --

6 THE COURT REPORTER: I'm sorry, sir.
7 You cut out. Your audio cut out. Could
8 you repeat that.

9 A. I say I don't know. I can't answer
10 this question. I don't know his power in the
11 department. I don't know his authority. What
12 I know from before, that he was involved with
13 and hiring many residents in the past few
14 years, but what his authority, if he can do it
15 or he cannot do it, this is kind of department
16 thing which --

17 Q. So you don't know what his authority
18 is either way; correct?

19 A. No, no, you ask me if Dr. Sharma is
20 in power to do that. My answer, I don't know
21 what he is in power to do or not to do, but
22 from my experience he did this to many people
23 before.

24 Q. Tell me what people Dr. Sharma was
25 able to effectuate residencies for. Tell me

1 A. Ali

2 who and when.

3 A. Eric Rosenberg, that's one. Daniel,
4 that's two. And he have other people. I don't
5 recall the name.

6 Q. Take Eric Rosenberg. When did Eric
7 Rosenberg obtain a residency?

8 A. Just -- when I was there. I
9 don't -- I think July 2016 or '17. I don't
10 recall, but --

11 Q. How did he obtain a residency, was
12 it through a match or was it through an opening
13 in a position?

14 A. An opening position.

15 Q. And tell us do you know anything
16 about his background?

17 A. Yeah, he did, I think, one or two
18 years in surgery and his wife was the chief
19 resident by that time. I worked with him very
20 closely and we worked together, we published
21 work together. I wrote three chapters in a
22 textbook. He was an editor on it. I got a lot
23 of support from him. That's what I know so
24 far.

25 Q. What school did he go to, medical

1 A. Ali

2 school?

3 A. He is D.O.

4 Q. I'm sorry.

5 A. D.O., doctor of osteopathy.

6 Q. But where did he go to school?

7 A. New York Medical College, D.O.

8 Q. And do you know if his wife, as
9 chief resident, had anything to do with getting
10 him a residency position?

11 A. I cannot answer this question. You
12 know, I mean, if I don't know anything for
13 fact, I don't want just point at people.

14 Q. Let me ask you this: How do you
15 know that Dr. Sharma had anything to do with
16 it? And if you do know, what did he do to get
17 Rosenberg the residency position?

18 A. What I know, that Eric was working
19 in the lab with me, you know, and Eric did two
20 years of general surgery, so if Eric was a
21 candidate who can go through the match as
22 American grad, there was no way for -- there
23 was no need for him to spend two years of
24 general surgery and then do research to get to
25 ophthalmology. It would be much feasible for

1 A. Ali

2 him as American grad to go through the match
3 and to match with other people, but he spent
4 two years in general surgery and he spent one
5 and a half years in research, and how
6 Dr. Sharma is involved in that? You hear this
7 in conversation every day, you hear this from
8 phone calls to Dr. Wandel, you hear it from
9 Dr. Wandel when he say that, "oh, Dr. Sharma
10 highly recommend you" and you hear this from
11 Eric himself that Dr. Sharma support his
12 application for residency.

13 Q. But you know that Dr. Sharma
14 supported your application, he wrote letters of
15 recommendation for you; correct?

16 A. Yes, and he --

17 Q. So, in other words -- in other
18 words, in your mind, is there a difference
19 between supporting someone for residency and
20 getting them a residency?

21 A. Okay. I was not around when Eric
22 came over and how did it work with Eric, so I
23 can't speak about Eric's situation, if he was
24 promised to get the position or he is promised
25 to get the support for the position, but I know

1 A. Ali

2 about my situation that I had been promised to
3 offer the position, to get the position.

4 Q. Okay. Daniel, do you know Daniel's
5 full name?

6 A. Yes. Daniel full name? No, but I
7 can send it to you.

8 Q. Okay. Let's leave a blank in the
9 transcript and you could provide that upon your
10 return of the transcript.

11 A. Sure.

12 TO BE FURNISHED:_____.

13 Q. Now, when did Daniel get a residency
14 position?

15 A. Daniel, he get a residency position
16 in match of November 2016 when he interviewed
17 with me.

18 Q. That was the same match that you
19 applied for; correct?

20 A. Exactly. Exactly.

21 Q. Do you believe that Dr. Sharma had
22 anything to do with Daniel getting that
23 position?

24 A. In the post match, yes, because in
25 the post match we have -- as usual, Westchester

1 A. Ali

2 the match was two spots. The resident who
3 match, his name is Evans Scott, E-V-A-N-S,
4 Scott, S-C-O-T-T. The other position was
5 unfilled. That day I was in the office.
6 Daniel, he came and he was so panic and he was
7 so upset that he didn't match.

8 THE COURT REPORTER: I'm sorry, sir.

9 I'm sorry. Could you repeat that part.

10 "He was so upset that he didn't match" --

11 A. Daniel, I was there that day in the
12 office when Daniel didn't match. He came to
13 the office while I was sitting with Dr. Sharma.
14 He was so panicked, very upset that he didn't
15 match. He spoke to the Dean's office and he
16 came and spoke to Dr. Sharma, which is right
17 away Dr. Sharma make a phone call to Dr. Wandel
18 and Daniel stayed in the office until
19 Dr. Wandel called back and offered him the
20 position.

21 Q. You were present at the time when
22 this conversation took place over the phone?

23 A. I was sitting when he come in. I
24 attend everything. And even he ask him, "Shake
25 hands with Amro who will be with you in the

1 A. Ali

2 same class," and Daniel give me a hug, I gave
3 him a hug, congratulate that he match with us.

4 Q. So let me get this straight and I
5 apologize.

6 A. Please.

7 Q. At some point there is a
8 conversation over the phone. Is it on a
9 speakerphone?

10 A. On the speakerphone? No. No.

11 Q. Who is the conversation -- who was
12 on the phone line, between Dr. Wandel and who?

13 A. Dr. Sharma. I was in Dr. Sharma's
14 office.

15 Q. So you were in Dr. Sharma's office.
16 I am trying to get the setting.

17 A. Yes.

18 Q. And when was this, approximately?

19 A. It was the date of the match. I can
20 get the date exactly. It was the date of the
21 result. I think January 14, but I can get you
22 the date.

23 Q. Around January of 2017 that's when
24 the match results come out?

25 A. Exactly.

1 A. Ali

2 Q. Evans Scott makes the match, so he
3 is in. Daniel doesn't. Are you both present
4 in Dr. Sharma's office at the time?

5 A. Who is both?

6 Q. You and Daniel.

7 A. I was there with Dr. Sharma. Then
8 Daniel come when I was sitting with Dr. Sharma.

9 Q. This was the same match you were
10 applying for as well; right?

11 A. Yes.

12 Q. So obviously Evans was the only one
13 who matched. You and Daniel didn't. You are
14 saying there was another position open. You
15 are in Dr. Sharma's office. He is talking to
16 Dr. Wandel on the phone. Have I got that
17 right?

18 A. Right.

19 Q. Are you expecting that you will get
20 the position because of the, quote unquote,
21 promise that was given to you?

22 A. I had been told by Dr. Sharma and
23 Dr. Wandel by that time that my spot would be
24 secured outside the match, the third spot, so I
25 know I am getting the third spot.

1 A. Ali

2 Q. This was -- this conversation that's
3 taking place is regarding a match -- a spot
4 outside the match; correct?

5 A. Yes.

6 Q. Okay. So in other words, this was
7 the type of spot that if you didn't match, you
8 had an expectation of getting based upon the
9 so-called promise; correct?

10 A. No, no, no.

11 Q. Please explain.

12 A. Sure. Westchester, they have a code
13 every year, like they have the right to code
14 their match with three residents. Okay. They
15 can decide to go by the match by three or by
16 two. So Westchester always goes the match by
17 two and they keep one spot on the side for
18 whoever they want to offer. So for the match
19 they went only by two: One for Scott, the
20 other one was unfilled. The unfilled through
21 the match had been offered to Daniel with
22 Dr. Sharma's support. Mine was completely out
23 of that. Mine was supposed to be in July '18
24 as per Dr. Wandel.

25 Q. I am trying to follow and I

1 A. Ali

2 apologize.

3 A. I'm sorry. I'm sorry. It's kind of
4 an old date, so maybe it's a little bit
5 confusing, but --

6 Q. It's not my expertise. But so this
7 particular match was outside the spot. This
8 was one of the positions that you could have
9 gotten as a resident based upon the promise;
10 correct?

11 A. Correct, but I already offered the
12 spot out -- outside of that, because if I know
13 I have no spot outside of that, the first thing
14 I will ask Dr. Sharma at least support me, I
15 need this spot, but I know the spot was
16 secured.

17 Q. Okay. I'm sorry. And, again, I
18 apologize. I have to do this so I make sure I
19 am getting it right.

20 We know that Evans Scott matched.

21 A. Yes.

22 Q. We know that Daniel didn't. Daniel
23 was like you. He wanted a residency; correct?

24 A. Yes.

25 Q. Okay. The spot eventually went to

1 A. Ali

2 Daniel; correct?

3 A. Correct.

4 Q. Based upon a conversation that you
5 were not a party to, but you were in the room
6 at the time; correct?

7 A. Yes, correct.

8 Q. Now, when Daniel got that position,
9 were you upset that you didn't get the
10 position?

11 A. Not at all.

12 Q. Why not?

13 A. First of all, it's not my character
14 or quality to upset when people get something
15 good for them. That's number one.

16 Number two, I know that I have my
17 spot starting July '18. So why I should be
18 upset? I been promised by the program
19 director. So I assume he would tell -- he
20 would not lie to me or not mislead me. I have
21 no reason to think that he plan or they planned
22 something in their mind. Otherwise you are
23 right, I should be upset, I should speak up, I
24 should send an e-mail, "You know what, why you
25 offer this to Daniel and not to me?" I didn't

1 A. Ali

2 because I was promised.

3 Q. I know you were promised. Now, this
4 promise, though, by that time did you think you
5 had an exact spot waiting for you or were you
6 simply waiting for the promise for the next
7 spot? You mentioned that you had a spot ready.
8 Was there another spot that was promised to you
9 that you knew was gonna happen on a particular
10 date?

11 A. Yes.

12 Q. When?

13 A. July '18.

14 Q. Okay. Why did you know there would
15 be a spot the following July?

16 A. Because as I mentioned, that's how
17 Westchester operate. They have three spots,
18 they go the match, and that's what I had been
19 told by Dr. Wandel. They go to the match only
20 with two spots and they keep one spot outside.

21 Q. So you have the match spot. Evans
22 gets another spot. There is one more spot that
23 you understand will be filled in July; correct?

24 A. I understand. Okay, go ahead.

25 Q. Prior to the time that Evans was

1 A. Ali

2 told that he would get that second spot, did
3 you already know that you weren't gonna get the
4 second spot, that you were gonna get the third
5 spot in July, did you already know that?

6 A. Yes. I already know from Dr. Wandel
7 that I will not match.

8 Q. Okay. We know, again, we know that
9 Evans got the match. Okay. We know that
10 Daniel got the second spot.

11 When were you told by Dr. Wandel
12 when you did not match, because Evans got it,
13 when were you told, "Don't worry, we are gonna
14 give you the July spot," when did he tell you
15 that?

16 A. I had been told that from -- in
17 December in the phase between the interview and
18 the match results, I had been told this in
19 person from Dr. Sharma, I had been told this
20 from Dr. Wandel. Not only that. I had --

21 Q. So -- I'm sorry. Go ahead.

22 A. Not only that. I had been even
23 asked to start earlier than I'm expected to,
24 December 26.

25 Q. So before the results came out when

1 A. Ali

2 Evans was upset -- not Evans.

3 A. Daniel.

4 Q. When Daniel was upset, you didn't
5 really care about that spot, because you had
6 already been told, according to your testimony,
7 that Dr. Wandel had promised you that spot in
8 July; correct?

9 A. Yes. I was taught in the same
10 class. That's why even Dr. Sharma ask Daniel
11 to shake hand and tell him, "Amro will start
12 with you."

13 Q. Okay. Now let's move on. Daniel
14 moves on and gets the residency. We are in
15 2017 now.

16 As we come closer to the July spot
17 that you believe you had been promised by
18 Dr. Wandel, does there come a time when you
19 learn that you are not going to get the spot?

20 A. Okay. Just small correction. This
21 conversation -- the match occurs November 2016.
22 So they assume that you have to do an
23 internship. So this conversation regarding a
24 position start July '18, not July '17, because
25 from July '16 to July '17 they assume that you

1 A. Ali

2 are doing your internship.

3 Q. Okay. In other words, I just want
4 to make it -- and it may not be simple. The
5 third spot, the residency that you were
6 promised in late December if you didn't match,
7 which you didn't know yet because you didn't
8 get the results, but that spot, when was that
9 gonna start?

10 A. July 2018.

11 Q. 2018?

12 A. Yes. That I was a match.

13 Q. When Daniel gets the spot in 2017,
14 that second spot, when does he start?

15 A. July 2018.

16 Q. All right. So am I correct the spot
17 would be open until July 2018, so you have to
18 wait throughout all of '17 and seven months or
19 so of '18 before you get that spot and actually
20 start; correct?

21 A. Yes, because that's what I had been
22 told.

23 Q. Okay. Now, between January 2017 and
24 July of 2018, did you apply at any time for the
25 San Francisco match again?

1 A. Ali

2 A. No. No. I was very confident that
3 things are going the right way, I was happy
4 with the people, I was productive.

5 Q. All that time between January 2017
6 and July of 2018 you continued to perform
7 voluntary unpaid services; correct?

8 A. Correct.

9 Q. Now, so now we are in 2018. You
10 have been waiting a long time. Okay. When do
11 you learn that you are not going to get that
12 position?

13 A. By the end of 2017 they start to get
14 interview for a new chairman. Nobody told me
15 anything, but I was concerned that new
16 chairman, different management, and I don't
17 know if people would keep promises or not. The
18 time that I felt that this promise will not be
19 delivered when I knew that there is a candidate
20 from Qatar who came and who took the position
21 for July '18, because I know they cannot make
22 more than three spots per year. It's not
23 allowed by ACGME. So I know my spot went
24 somewhere else.

25 Q. You will agree with me that the spot

1 A. Ali

2 that Evans received --

3 A. You mean Daniel.

4 Q. No, the spot that Evans received.

5 A. Okay.

6 Q. The San Francisco match spot. Okay?

7 A. Yeah.

8 Q. You would agree with me that neither
9 Dr. Wandel, nor Dr. Sharma broke their promise
10 insofar as the spot that Evans received,
11 because he matched; correct?

12 A. No.

13 Q. I'm sorry?

14 A. They broke their promise regarding
15 Evans Scott?

16 Q. I am saying the fact that Evans
17 Scott got the position, the fact that he
18 matched, that had nothing to do with
19 Dr. Wandel's or Dr. Sharma's alleged promise;
20 correct?

21 A. No.

22 Q. Did it have anything to do with it
23 or -- maybe it's a poor question. Did that
24 promise -- should that promise have been made
25 good in connection with the spot that Evans

1 A. Ali

2 received?

3 A. I'm sorry. I don't understand the
4 question. What is the relation? Evan is
5 graduate from Louisiana State University and he
6 applied with a match and he got the position
7 through the match. How can be this relevant to
8 me? I'm sorry. I cannot see the question.

9 Q. Again, maybe because it's so
10 obvious. Neither Dr. Wandel, nor Dr. Sharma
11 could ever promise you anything in connection
12 with whether you would be the match in the San
13 Francisco match; correct?

14 A. No. No. If they need you to match,
15 they can make you to match by rank you high.
16 That's -- that's how it is in the ranking
17 system. They are the one who decide who go
18 number one on the list and who number ten and
19 they can change that even after the interview.
20 Okay. This is --

21 Q. Did you ever go up to Dr. Wandel or
22 Dr. Sharma when Evans had matched and said to
23 them, "Doctors, you had promised me a position
24 and by my not getting the position in the match
25 you breached that promise," did you ever tell

1 A. Ali

2 them that?

3 A. No, because Dr. Wandel called me
4 himself, spoke to me himself -- in person, not
5 called, he spoke to me in person and he spoke
6 to Dr. Sharma and he said, "Amro will not
7 match, but we will give him that position,
8 because this is the philosophy or this is the
9 way, we have to rank high the American grad,
10 then Amro will get his spot outside the match."
11 Dr. Wandel himself said so. So why I would go
12 ask him the question he has already answered to
13 me earlier.

14 Q. Is there anyone associated with the
15 match that has nothing to do with NYMC or WMC
16 in making the selection, or is the choice made
17 by NYMC and/or WMC?

18 MR. SADOWSKI: Objection.

19 You can answer.

20 A. I'm sorry. I don't --

21 Q. I'll rephrase.

22 A. I lost the question. I'm sorry.

23 Q. I'm almost close to tying this down.

24 I just want to make sure.

25 Did anyone associated with WMC or

1 A. Ali

2 NYMC undermine you in any way that you felt
3 resulted in your not getting the match in 2016?

4 A. "Undermine you in any way"?

5 Q. Did anything wrong, hurt you, did
6 something that prevented you from getting the
7 match.

8 A. The only -- the only -- yeah, I get
9 your point. The only thing I had been told
10 from Dr. Wandel to Dr. Sharma to me, that
11 resident he didn't support me, and the only
12 resident they referred to Eric Rosenberg, which
13 I worked with, and which is -- was not true, of
14 course, based on many factors, so this is the
15 only thing I had been referred to at this point
16 of time and this is one of the reason
17 Dr. Wandel justify himself in addition not to
18 be American grad that he cannot rank me high on
19 the list, because, you know, resident is not
20 happy and he will have to put -- he cannot go
21 against their will, so he have to put me
22 outside the match. That's the only thing I
23 remember he mentioned, and after that I spoke
24 to Eric himself over the phone and he denied
25 all that.

1 A. Ali

2 Q. What is an American grad?

3 A. Okay. American grad -- there is two
4 terms being used, American grad and
5 international medical grad. American grad is
6 he who graduated from American medical school.

7 Q. And what's a foreign grad?

8 A. Foreign grad are people graduate
9 from foreign medical school.

10 Q. Do you have any understanding
11 whether or not there are foreign students who
12 graduate from United States medical schools?

13 A. Foreign student graduate from
14 American medical school?

15 Q. Yes.

16 A. I'm sure there is. I'm not aware
17 about it, but...

18 Q. Are you aware that American students
19 sometimes attend foreign medical schools to
20 obtain their medical degrees?

21 A. This is I know about, the Caribbean,
22 yes.

23 Q. Did you ever have any Americans in
24 your class in Egypt?

25 A. No.

1 A. Ali

2 Q. Any foreigners in your class in
3 Egypt at all other than Egyptians?

4 A. No, there is. From Gulf area, from
5 different places, yes.

6 Q. You mentioned a moment ago -- let me
7 just get that straight. Oh, yes. The
8 residents. You say it's untrue that you
9 received poor reviews from the residents, the
10 other residents. How do you know that's
11 untrue?

12 A. First of all, you been working with
13 these people for one year, you interact with
14 the resident for one year, you have lunch with
15 them, dinner with them, you go out with them.
16 Not everybody likes you, but you can have an
17 impression overall that if you go with them,
18 you get along together or not. So I think one
19 and a half year should be enough for any mature
20 person to understand if he is really -- do you
21 like him, do you care about him. That's number
22 one.

23 Number two. I work -- they referred
24 to Eric Rosenberg. I work a lot with Eric
25 Rosenberg. We publish papers. We publish

1 A. Ali

2 chapter in textbook. We go out all the time.

3 So there is no reason for him to do that.

4 Number three, which is I confirm it.

5 I made a phone call to him and I told him,

6 "Eric, listen, everybody will do it in his own

7 way. I need a clear statement. Did you say

8 so?" And he said, "I have a question. Why

9 should I say that? You are not competing with

10 me, there is nothing wrong happening with us,"

11 and he stated Wandel always lies and he doesn't

12 like put American -- foreign grad, but he has

13 tried to get away with this thing.

14 Q. Eric Rosenberg, when did you have

15 that phone call with him?

16 A. I had this phone call in -- I have

17 the exact date and time, but it should be

18 around July 2018.

19 Q. I would like to leave a blank in the

20 record for the exact date and time.

21 A. Yeah, sure.

22 TO BE FURNISHED:_____.

23 Q. Now, did you record the call with

24 any recording device?

25 A. It's not from my behavior or

1 A. Ali

2 personality to record people when they talk to
3 me.

4 Q. Did you take any contemporaneous
5 notes regarding the call at the time that he
6 told you that?

7 A. No, but I called Sharma and I told
8 him that.

9 Q. You called Sharma and told him about
10 your conversation with --

11 A. With Eric.

12 Q. -- Eric?

13 A. Yes.

14 Q. What did Sharma say to you regarding
15 that conversation that you recall?

16 A. He told me, "I'm not surprised.
17 Wandel lies a lot." And now he is understand
18 Dr. Hutcheson, new chairman.

19 MR. MILLUS: Let's take five
20 minutes. We have still got a ways to go,
21 but let's take a break. We have been going
22 for --

23 THE WITNESS: Okay. Thank you.

24 MR. MILLUS: So take five, relax --

25 THE WITNESS: Thank you.

1 A. Ali

2 MR. MILLUS: -- and we will come
3 back. Thank you.

4 THE WITNESS: Appreciate it.

5 (Recess was taken from 12:12 to
6 12:22.)

7 (Defendants' Exhibit N, e-mail dated
8 October 11, 2016, Bates stamped NYMC/WMC
9 000208, marked for identification.)

10 BY MR. MILLUS:

11 Q. Doctor, if you go to Exhibit N as in
12 Nancy.

13 A. Can you tell me what is that?

14 Q. It is an e-mail from you dated
15 October 11, 2016, to Dr. Wandel, Bates stamped
16 000208.

17 A. Yes, I have it.

18 Q. Do you have Exhibit N in front of
19 you?

20 A. Yes.

21 Q. Okay. It says -- it begins: "Dear
22 Dr. Wandel, as per your advice, I registered
23 for step 3."

24 When did Dr. Wandel first give you
25 that advice?

1 A. Ali

2 A. Maybe before that time like two or
3 three months. I don't have the exact date, but
4 should be like a couple of months before that.

5 Q. Did he expand upon that, did he tell
6 you why he was giving you that advice?

7 A. Yes. He was very clear that
8 Dr. Bierman doesn't allow any IMG without
9 step 3.

10 Q. Now, was this before you actually
11 started working for Touro or you were there
12 already? I'm sorry.

13 A. I was there already for more than --
14 around one year.

15 Q. When you found that out, did you
16 feel that the promise that was allegedly made
17 to you by Dr. Wandel and Dr. Sharma was being
18 affected by Dr. Bierman?

19 A. By that time I was not -- that's
20 what I had been told by Dr. Wandel. I was not
21 quite sure if really this is Dr. Bierman rule
22 or he just say that to get away from promise or
23 to make it harder for me, because that's what
24 you heard from him and going back you need to
25 remember he promised me before the clinical

1 A. Ali

2 privileges and he didn't deliver that, so that
3 make me concerned that maybe he is saying
4 directly his own or -- so I was not sure by
5 that time if Dr. Bierman really is the one
6 putting this through.

7 Q. But when the promise was allegedly
8 made to you in late 2015 by Dr. Sharma and/or
9 Dr. Wandel, did either of them mention, "By the
10 way, not only will you have to do a good job
11 for us researching for free, but you will also
12 have to pass step 3," did they ever tell you
13 that?

14 A. Not at all.

15 Q. So the exam for step 3, I gather
16 from this e-mail, was going to be -- the
17 earliest was December of 2016; correct?

18 A. Yes.

19 Q. All right. So now, the 2016 exam
20 you did not pass step 3; correct?

21 A. I didn't pass step 3 the first
22 time -- okay. As I recall, the first time and
23 there was another e-mail that the exam has been
24 cancelled for technical problems and I sent
25 this to Dr. Wandel, I don't see the e-mail in

1 A. Ali

2 this exhibit, but it has been submitted to you,
3 and I get in the second time, I think it was in
4 March, and by that time they changed the system
5 for the results, so they postponed the results
6 three months. Then I took it I think the next
7 time was in '18, which I passed.

8 Q. Would I be correct that you took
9 step 3 in approximately April 2017?

10 A. I passed the result came March 2018,
11 so I took the test -- I passed. I got the
12 result March 2018.

13 Q. Go to Exhibit P, please, P as in
14 Peter.

15 A. Yes.

16 (Defendants' Exhibit P, e-mail dated
17 June 29, 2018, Bates stamped NYMC/WMC
18 000326 through NYMC/WMC 000329, marked for
19 identification.)

20 Q. This is a string of e-mails. The
21 first one is from you dated June 29, 2018.

22 A. Yes.

23 Q. "Dr. Sharma, I am sorry if previous
24 one was not friendly, I hope you ok with that.
25 I deleted all voice mails. Best regards to the

1 A. Ali

2 family. Amro." Do you see that?

3 A. Yes.

4 Q. First off, what did you mean by "I
5 deleted all voice mails"?

6 A. I don't recall, but that was June
7 29, 2018, so that was after the meeting I had
8 with Dr. Bierman. I assume by that time
9 Dr. Sharma he called me and he left me
10 different voicemail about the situation and he
11 asked me to delete it.

12 Q. Are you assuming that or do you know
13 when you look at this?

14 A. When I look at this, that's what I
15 remember.

16 Q. What voicemails was he telling you
17 to allegedly delete?

18 A. Okay. Sometimes Dr. Sharma leave a
19 voicemail for me about situation, about his
20 opinion, but I think around this time he felt
21 that things were heated up and it will not go
22 in the right away, so he asked me to delete the
23 voicemails.

24 Q. Do you recall what he said in these
25 voicemails?

1 A. Ali

2 A. No. He said the same what he said
3 in the letters and he dictate in the letter.
4 He said that I had been promised by Wandel. He
5 said I been mistreated, he said I was
6 discriminated. That's the same what he put in
7 his letter to the dean and letter to the
8 chairman.

9 Q. Let's talk about letters.

10 A. Sure.

11 Q. Below that e-mail from you there is
12 something that starts "Dear Dr. Hutcheson." Do
13 you see that?

14 A. Yes.

15 Q. Who wrote that?

16 A. Who wrote that?

17 Q. Yes.

18 A. I always write a letter and
19 Dr. Sharma edit it and we provide you last week
20 with the edited letter by Dr. Sharma. So
21 Dr. Sharma review my letter, edit it, and he
22 agree on the content in writing and write this
23 to me.

24 Q. When you say Dr. Sharma agrees on
25 the content in writing, are you saying that

1 A. Ali
2 because he edited it and didn't change
3 something, that he agreed with it?

4 A. No. He wrote down -- in his
5 testimony he said it was factual, right, and in
6 his writing in the e-mail he contents are fine.

7 Q. Did Dr. Sharma ever tell you that he
8 agreed with you that you were discriminated
9 against on the basis of your national origin or
10 age?

11 A. Hundred times.

12 Q. Okay. We will get into that.

13 Now, the e-mail that's below, was
14 that before or after Dr. Sharma's editing?

15 A. That I don't recall, but I have the
16 edited version, so it will show the difference,
17 but I assume this one after Dr. Sharma edited
18 it, but again, I have the two version, the two
19 draft, the one before and the one after, and
20 his correction.

21 Q. Go to the second page of that, 327,
22 page 327. Do you see that?

23 A. Yes. Here.

24 Q. Go to the third full paragraph that
25 starts with the word "unfortunately." It says:

1 A. Ali

2 "Unfortunately, I attempted step 3 April 2017
3 and I did not pass on first time for limited
4 resources of money and time." Do you see that?

5 A. Yes.

6 Q. So you failed step 3 in April of
7 2017; correct?

8 A. Yes, I said that.

9 Q. Now, remember we were talking a
10 little bit earlier about the position. You
11 believe that you had secured a position based
12 on the promise and you believed that in January
13 of 2017 that your position would be open in
14 April of 2018; correct?

15 A. Yes.

16 Q. Were there any other positions
17 between that time of January of 2017, other
18 than the one Daniel got, up through April of
19 2018 that you did not receive that you thought
20 you should have received as a resident?

21 A. There was one position opened up in,
22 I believe, April or March 2017.

23 Q. Who got that position?

24 A. I don't know. I don't know if it
25 even had been filled.

1 A. Ali

2 Q. Did you apply for that position?

3 A. I spoke to Dr. Wandel and I applied,
4 you know, and tried to start earlier, but I
5 think the concern was also step 3.

6 Q. I don't want you to speculate. I
7 need to know, in other words, by April of 2017
8 you realized that your not having step 3 passed
9 would be an impediment to you obtaining a
10 position as a resident?

11 A. Yes, around that time we start the
12 issue about the step 3 discussion and
13 communication with different institute about
14 it, yes.

15 Q. So this was an added condition to
16 the original promise that you received that if
17 you did good work, you would get an open
18 residency position; correct?

19 A. I would not consider it added. I
20 would consider it changing the plans or putting
21 extra hurdle of one year work.

22 THE COURT REPORTER: I'm sorry, sir?

23 A. Putting extra hurdle. Because if
24 this is a condition, this should be clear from
25 October 2015, not after two years working for

1 A. Ali

2 them for free they come in to add now step 3 as
3 an extra requisite, which is not legitimate and
4 it's not required to be taken.

5 Q. Other than that position in 2017, no
6 other positions were filled up through April of
7 2017 -- 2018; correct?

8 A. The only position after that only
9 was the other guy who came. That's the only
10 position I know about.

11 Q. Okay. That you know about. So
12 let's go through it.

13 You think you are gonna get the
14 position in July of 2018. When do you find out
15 that it goes to someone else?

16 A. In February 2018.

17 Q. What did you find out and from whom?

18 A. I found out from Dr. Sharma.
19 Dr. Wandel called him. He told him
20 Dr. Hutcheson she brought -- or she promised
21 another guy from her previous program to join
22 and Dr. Wandel by that time was very upset. I
23 didn't hear the phone call, it was not on the
24 speaker, but this is the feedback I got from
25 Dr. Sharma and he said that, "I didn't even

1 A. Ali

2 have the chance to interview him or to know,
3 him, she just get him on board and nobody know
4 anything," and this also has been confirmed by
5 Dr. Sharma testimony and when he said that he
6 and Dr. Wandel were not aware about him at all.

7 Q. Dr. Hutcheson had what position at
8 that time?

9 A. What time?

10 Q. At the time that that position was
11 filled that --

12 A. She was just -- she was just newly
13 hired chairman.

14 Q. Chairman of what?

15 A. Ophthalmology department at New York
16 Medical College and Westchester Medical Center.

17 Q. Okay. Well, why should she have any
18 impact on the promise that Dr. Wandel allegedly
19 made to you?

20 A. Because she has only one spot to
21 start July '18 and now it has to be go to one
22 of us, either the other candidate or myself.
23 The other candidate he trained with her, so
24 simple.

25 Q. Did Dr. Wandel tell you that he

1 A. Ali

2 spoke with Kelly Hutcheson and told her about
3 the promise he had supposedly made to you?

4 A. He told Dr. Sharma that, and when I
5 met with him he told me that he told her. I
6 met with him June 2nd -- I'm sorry -- July 2nd,
7 2018. He told me that he told her and -- I
8 will jump in the time, maybe it's not the area
9 that you asked, but just to confirm what you
10 said, I told him in the meeting that, "you told
11 Dr. Sharma and you don't know anything about
12 this guy," and he said yes, she brought him, so
13 he changed the story. Dr. Sharma said
14 Dr. Wandel didn't meet him, but when I said to
15 Dr. Wandel, he said "you know what, I just have
16 an interview phone call with him for the sake
17 of the completion of the process." I asked
18 him, "is it usually common to interview
19 candidate in Qatar over the phone for
20 ophthalmology?" He said, "You know what, we
21 have to complete the process. I have no say on
22 that. She wants the guy." So I told him
23 because she make up the position for him, so I
24 hope you can guys keep your promises and give
25 me position for me. After that I wrote a memo

1 A. Ali

2 with the meeting and I sent it to him in the
3 same day at 5 p.m.

4 Q. Do you know who would be involved in
5 selecting a resident outside of the match for
6 Westchester Medical Center, how many people
7 were involved and who would they be, if you
8 know?

9 A. I don't know for sure, because I was
10 not in this position before, but what I know,
11 that in other program it's common, it's a
12 common thing happen every day, people get
13 application from different people. First of
14 all, people post the position so they can offer
15 equal chances to people. Maybe there are some
16 people outside better than me for the position.
17 And then they get the application. They review
18 it. They select for each position their
19 candidate. They offer fair interview for each
20 one. They sit, make a committee and they
21 decide. But what happened, it was not like
22 that. What happened, the position created,
23 founded for no reasons, and according to
24 Dr. Hutcheson testimony, she said there is
25 increase in the program need. There is no

1 A. Ali

2 increase in the program need. And the proof of
3 that, the resident struggles to get the number
4 of cases of surgery every day. They cannot get
5 the number of cases that they want. So getting
6 one more resident make the cases divided on
7 three people and make it harder for them to get
8 their number of procedures that they have to do
9 to graduate from residency, and there is no
10 more clinic has been opened, there is no more
11 hospital affiliation, so there was no --

12 THE COURT REPORTER: I'm sorry, sir?

13 A. There is no more affiliation with
14 any program, there was no any more
15 justification to create a position from scratch
16 and to get fund and to get GME approval and to
17 get the visa, except personal interest.

18 Q. Let me ask you this: Your attorney
19 during some of his questioning mentioned two
20 people who got residencies and I believe, and
21 correct me if I am wrong, that he mentioned
22 there might have been a donation made in
23 connection with those --

24 A. Yes.

25 Q. You recall that testimony; right?

1 A. Ali

2 A. Yes.

3 Q. Those positions that those two
4 people got, those residencies, and I can't
5 remember their names right now --

6 A. Dr. Doss.

7 Q. Were those positions ever opened for
8 you? Were they in ophthalmology? I just want
9 to clarify that.

10 A. Okay. These two positions were in
11 ophthalmology and these two candidate they went
12 through the match. I know there was a donation
13 had been made, \$5,000, and was supposed to be
14 every month, and for some reason it interrupted
15 and I don't know what --

16 THE COURT REPORTER: I'm sorry, sir.

17 I'm sorry. Could you repeat that last
18 part. "\$5,000, and was supposed to be
19 every month" --

20 A. Every month, then interrupted.
21 These two brother and sister, and my
22 recollection, this donation start before hiring
23 the first -- the sister, and continue somehow
24 and it would be on and off until the brother
25 get in.

1 A. Ali

2 Q. Where did you get that information,
3 by the way, that \$5,000 was changing hands
4 every month?

5 A. Dr. Sharma.

6 Q. How did he know?

7 A. You ask him.

8 Q. Do you know? Did you ask him how he
9 knew?

10 A. I don't ask these kind of questions.
11 Not my business.

12 Q. Okay. So you are saying that
13 sometimes money may play a role in someone
14 getting a residency; correct?

15 A. In some situation, yes.

16 Q. I'm sorry?

17 A. In some situation, yes, with certain
18 people, yes.

19 Q. Okay. So here you find out you are
20 not gonna get the position.

21 Why didn't Dr. Wandel simply
22 overrule Kelly Hutcheson and say no?

23 A. He cannot.

24 Q. Why not?

25 A. He want to keep his job.

1 A. Ali

2 Q. Couldn't he overrule her? Did he
3 have the authority to overrule her selection?

4 A. If he is strong program director, he
5 can do that. Strong program director is the
6 one is in charge in front of the ACGME, because
7 if the ACGME come and they find the program is
8 bad or the resident is bad, they fire the PD,
9 they don't fire the chairman.

10 Q. And this resident's name in 2018 was
11 what?

12 A. Oh, the guy from the Gulf area?

13 Q. Yes.

14 A. Sameer Al-Shweiki, I believe.

15 Q. Okay. We will just go with Sameer.
16 All right?

17 A. Okay. Sameer.

18 Q. Do you believe you were more
19 qualified than Sameer?

20 A. According to records, yes.

21 Q. Why?

22 A. Simply you can compare the
23 achievement and the contribution to the
24 society. He have zero publication. I have
25 twenty. He have zero grant, although you

1 A. Ali

2 mentioned in your testimony that he has an NIH
3 grant, which been denied by the chairman. He
4 have no grant. I have a grant. I have three
5 chapter in textbook. He have nothing.

6 THE COURT REPORTER: I'm sorry.

7 Could you repeat the last part.

8 A. Sure. Let me repeat. I have twenty
9 publications. He have zero publication. I
10 have one grant. He have zero grant. I have
11 four chapters in textbook. He has nothing. I
12 have four clinical fellowships in
13 ophthalmology. He has none. I complete my
14 residency in ophthalmology. He didn't. I work
15 very hard for three years for free to get the
16 position. He did nothing except that he work
17 with the chairman and had the pleasure to work
18 with the chairman.

19 Q. Did he pass the step 3, if you know?

20 A. I didn't know. I had been told that
21 he had passed. But, I'm sorry, I don't trust
22 that. We would need the record for that, when
23 he passed, because they said he has NIH grant
24 and we found out that he have no grants. He
25 said that he came from Hopkins and he didn't

1 A. Ali

2 come from Hopkins. So the same way maybe they
3 said he passed the step 3 and he didn't pass
4 the step 3.

5 Q. So when this position went to
6 Sameer, did you speak to Kelly Hutcheson
7 directly about it other than writing to her?

8 A. Yes, I sent her e-mail in June
9 trying to be very polite to her. I told her I
10 heard there is a position open, because I don't
11 want to confront. It's not appropriate just to
12 confront her and tell, "oh, you did this and
13 you did this." So she didn't respond. That
14 was June 2nd. I got the auto reply and she
15 said "I'm out" -- auto reply said "I'm out of
16 town," and after that I try to reach in office
17 through Michelle Hodge to the point that I am
18 chasing her to meet with her. Then finally she
19 scheduled a meeting July 20. The meeting was
20 supposed to be with me, but I found Dr. Wandel
21 and Dr. Bierman in the meeting.

22 Q. Did you ever tell her directly face
23 to face or over the phone that Dr. Wandel and
24 Dr. Sharma had promised you a residency
25 position?

1 A. Ali

2 A. Yes.

3 Q. Did she respond to that in any way?

4 A. She said, "I was not aware about
5 it."

6 (Defendants' Exhibit R, typewritten
7 letter, Bates stamped NYMC/WMC 000331
8 through NYMC/WMC 000334, marked for
9 identification.)

10 Q. Please go to Exhibit R.

11 A. Can you tell me what it is so I
12 can --

13 Q. Yes. This is the modified letter
14 which appears to have the changes, I believe,
15 that Dr. Sharma had made.

16 A. Oh, that's a good e-mail. Yeah.
17 Thank you.

18 Q. So am I correct that this document
19 Bates stamped NYMC/WMC 000331 through 334
20 consists of a document drafted by you that was
21 then corrected by Dr. Sharma, am I correct?

22 A. Exhibit O, right?

23 Q. I'm sorry?

24 MR. SADOWSKI: R.

25 A. Oh, I'm sorry. What's the question

1 A. Ali

2 again?

3 Q. Is this your document that was then
4 corrected by Dr. Sharma?

5 A. Again, I don't see the original
6 e-mail, but it looks like, yes.

7 Q. Okay. Now, if you will go to the
8 second page, 332.

9 A. Yes.

10 Q. In the second paragraph you talk
11 about November 2016 SF match. Do you see that?

12 A. In November, yes.

13 Q. And then one of the sentences, I
14 guess the third sentence: "Dr. Wandel
15 interfered and mentioned that the residents
16 (Eric and Adam) gave me negative feedback." Do
17 you see that?

18 A. Yes.

19 Q. We talked about Eric Rosenberg. Who
20 was Adam?

21 A. Adam was another resident, but after
22 that I had been told like -- I didn't see him
23 in the interview. I knew after that he was in
24 vacation, so I felt that it was just making up
25 by Dr. Wandel.

1 A. Ali

2 Q. Were you, in fact, interviewed in
3 any way by Adam in connection with the November
4 2016 SF match?

5 A. No.

6 Q. And did you work with Adam at any
7 time? Was he a resident at WMC?

8 A. I interact with him. Even when I
9 was in Metropolitan Hospital I spent my
10 rotation with him and he is a very nice guy,
11 very polite. We get along.

12 Q. Did you ever ask him after
13 Dr. Wandel told you this as to what he may have
14 said to the committee in connection with the
15 residency decision?

16 A. I'm sorry. I didn't get the
17 question. What is the question again?

18 Q. Did you speak to Adam after
19 Dr. Wandel told you this to ask him --

20 A. No. No. No.

21 Q. Do you know if during the interview
22 process that they interviewed residents who may
23 not have interviewed you?

24 A. They interview resident who didn't
25 interview me? What do you mean by that?

1 A. Ali

2 Q. Can a resident who didn't interview
3 you participate in the decision making in the
4 SF match?

5 A. Not directly.

6 Q. Why do you say that?

7 A. Why I'm saying that?

8 Q. Yes. Why?

9 A. Because interview only by -- I
10 interviewed only by Dr. Zaidman and Dr. Dave.

11 Q. But Adam was also an ophthalmologist
12 resident; correct?

13 A. I'm losing the sound.

14 Q. Was Adam --

15 A. Now it's good.

16 Q. Was Adam an ophthalmologist
17 resident?

18 A. Yes, he was a first year.

19 Q. Adam had worked with you from time
20 to time?

21 A. Not during the interview process or
22 during the research time. I worked with him
23 after that.

24 Q. Before that you had never worked
25 with him?

1 A. Ali

2 A. No. He was trained with other
3 researcher.

4 Q. So you don't know as you sit here
5 today whether Adam -- whether he should have
6 had a bad opinion of you or not, but you don't
7 know whether he had, in fact, given negative
8 feedback; correct?

9 A. Correct.

10 Q. Do you know of any other foreign
11 medical student who was told that they could
12 not get a residency by Dr. Bierman or anyone
13 else at the defendants before they passed the
14 step 3, do you know of anyone else except for
15 you?

16 A. I have been told by Dr. Sharma that
17 his niece, which is a cardiologist right now at
18 Westchester Medical Center, when she joined the
19 residency she have a difficulty with step 3 and
20 she had been asked that maybe she need -- not
21 maybe -- that she has to pass it too before she
22 go to medicine.

23 Q. Anybody else?

24 A. No. I'm sure they told other
25 people, but I don't know how many foreign grad

1 A. Ali

2 and --

3 Q. You don't know any as you sit here
4 today, other than the ones that you mentioned,
5 a foreign medical graduate other than you and
6 that other person had been told you must pass
7 step 3 before you can start a residency, you
8 don't know of any person people?

9 A. No, this is the only two foreign
10 grad, myself and Dr. Sharma niece. I don't
11 know other foreign grad.

12 MR. MILLUS: Okay. I think this is
13 a good time. I think I am going to go into
14 the concept of discrimination in connection
15 with the decision, okay, and then damages
16 and what the doctor has done since. So
17 let's take a half hour and I will move as
18 quickly as I can through the rest of it. I
19 think we have gotten through the bulk of
20 it, though.

21 THE WITNESS: Thank you.

22 (Lunch recess was taken at 12:52.)

23

24

25

1 A. Ali

2 A F T E R N O O N S E S S I O N

3 (Time noted: 1:33 p.m.)

4 A M R O A L I,

5 resumed as a witness, was examined and

6 testified as follows:

7 CONTINUED EXAMINATION BY

8 MR. MILLUS:

9 Q. Welcome back.

10 A. Thank you.

11 Q. Now, I'd like you, sir, to look at
12 Exhibit O. It is an e-mail from Dr. Sharma to
13 you, and then from you to Dr. Sharma dated June
14 24, 2018.

15 (Defendants' Exhibit O, e-mail dated
16 June 25, 2018, Bates stamped NYMC/WMC
17 000325, marked for identification.)

18 A. Yes, I have it.

19 Q. Now, you had learned that that
20 individual, Sameer, a doctor, was getting the
21 position in February of 2018; am I correct?

22 A. Yeah, that's when we start to hear
23 that she is bringing someone.

24 Q. Between February and June, what did
25 you do, if anything, to challenge that decision

1 A. Ali

2 or confront anyone regarding the decision that
3 apparently had been made?

4 A. First thing I did, I e-mailed
5 Dr. Hutcheson I think in February, first
6 e-mail. I explained to her about my research,
7 my work and what I did for the institute. And
8 I met with her also one time around April with
9 Dr. Sharma, and after that I met with her
10 another time alone.

11 Q. Okay. And at those meetings, at
12 those meetings did you ever tell Dr. Hutcheson
13 that you thought you were being discriminated
14 against on the basis of your age or national
15 origin?

16 A. So I had two meeting. The first one
17 with Dr. Sharma I didn't discuss that, we
18 discussed the agenda and the plan and
19 Dr. Sharma appoint me for the position, and the
20 second one that I had with her with the license
21 I explained to her that I had been promised. I
22 didn't use the word discriminate. I had
23 been -- said I had been promised for the
24 position. I had been asked to take step 3. I
25 know it's not legitimate. I discussed with

1 A. Ali

2 them. And as I mentioned in my first testimony
3 in the first hour, she said, "I'm not aware
4 about that."

5 Q. Did Dr. Hutcheson ever tell you that
6 Dr. Sharma or Dr. Wandel had no power to
7 promise you such a thing?

8 A. No. It was very clear that
9 Dr. Hutcheson in the meeting have a short talk,
10 she doesn't want to express anything. The only
11 thing she always say "I was not -- this was
12 before me and I'm not aware about it, I have
13 not been informed."

14 Q. In your entire time while working at
15 Touro, did anyone ever say anything to you that
16 you thought was discriminatory against you
17 based on your age or national origin?

18 A. Yes. There is Dr. Newman, who is a
19 colleague of Dr. Sharma and in the basic
20 science, he told him a statement, he told him,
21 "if his name was Mike or David, this would
22 not -- never happen to him." And that
23 Dr. Sharma told me and Dr. Newman is there.

24 Q. So Dr. Sharma told you that
25 Dr. Newman had said this; correct?

1 A. Ali

2 A. Yes. Yes.

3 Q. When did Dr. Newman tell you this?

4 I'm sorry.

5 A. He didn't tell me.

6 Q. When did Dr. Sharma tell you that
7 Dr. Newman had said this?

8 A. I don't know when he told him. I
9 know that he told me that in 2018. In the six
10 months of 2018.

11 THE COURT REPORTER: I'm sorry, sir.
12 Could you repeat that?

13 A. That happened during the first six
14 months of 2018 when was the heat and the e-mail
15 and all this exchange.

16 Q. Let me ask you this: After hearing
17 that someone else supposedly made such a
18 comment, did anyone ever say anything directly
19 to you that you thought was discriminatory on
20 the basis of your national origin or age?

21 A. After what exactly? After what?

22 Q. In other words --

23 A. No, no, no. I didn't say no one. I
24 said after what? You said me after that
25 anybody told you. So I am asking after what.

1 A. Ali

2 Q. I am saying at any time.

3 A. Okay.

4 Q. At any time that you were there in
5 the NYMC or WMC, did anyone ever say to your
6 face something that you considered to be
7 discriminatory based upon your age or national
8 origin?

9 A. Okay. Discrimination is insidious
10 action. People doesn't write you on paper and
11 say we are discriminating against you or doing
12 this in your face so you go after them and sue
13 them. People they do everything insidiously to
14 obstruct you to make you cannot do what you
15 supposed to do and say, "oh, we don't mean it,"
16 but if you need to look at the phrases, yes,
17 Dr. Wandel he told Dr. Sharma, as was his
18 testimony, "oh, Amro looks older than his age."
19 The other things -- you hear me?

20 Q. I do, but you are not answering the
21 question and I don't want to belabor the point.
22 I know you have your own interpretation of
23 discrimination as being insidious. Maybe you
24 will tell me it's a snake in the grass.

25 What I'd like to know is this: Has

1 A. Ali

2 anyone to your face ever said anything to you
3 that you considered to be discriminatory based
4 on age or national origin?

5 A. Yes.

6 Q. Okay. Stop there. Who?

7 A. That's Dr. Wandel and Dr. Sharma.

8 Q. When?

9 A. That was before my interview.

10 Q. Which interview?

11 A. My November 2016 interview.

12 Q. And did Dr. Wandel say this to your
13 face?

14 A. Yes.

15 Q. Who else was present when this was
16 allegedly said, whatever it was? We will get
17 to that in a moment.

18 A. It was in his office. Nobody was
19 there.

20 Q. So Dr. Wandel said something to you
21 before your interview in November of 2016 that
22 you considered to be discriminatory. Was it
23 discriminatory based on your age, national
24 origin, or both?

25 A. It was -- this instance was age.

1 A. Ali

2 Q. Did it have anything to do with your
3 national origin?

4 A. Not at this time. After that.

5 Q. Okay. We'll get into that.

6 What did he say to you that you
7 thought was discriminatory at this meeting
8 regarding your age?

9 A. He was referring that people concern
10 and his concern if I get a phone call in the
11 middle of the night I will wake up, because,
12 you know, and he said "you know" and then he
13 stop and he was laughing.

14 Q. Well, other than those exact words
15 that you just said that he said, did he say
16 anything else?

17 A. Yes, he said to Dr. Sharma that I
18 look older than my age.

19 Q. Well, was Dr. Sharma in the room
20 when Dr. Wandel told you about waking up or
21 said something about waking up?

22 A. He told him also the same statement
23 and he told it to me. No. I'm sorry. He was
24 not there. I'm sorry. He was not there.
25 Okay.

1 A. Ali

2 Q. Okay. It will just take forever
3 and I don't --

4 A. I know. I'm sorry. He was not
5 there.

6 Q. So Dr. Wandel, just to repeat, in
7 your presence, no one else there, made a joke
8 about your ability to wake up; correct?

9 A. No, it was not a joke. It was a
10 statement.

11 Q. You thought it was a statement and
12 you thought that was geared toward your age;
13 correct?

14 A. Yes.

15 Q. Did you report that to anyone at
16 NYMC that he made that statement to you that
17 you thought was talking about your age?

18 A. Yes.

19 Q. Who did you report it to?

20 A. Dr. Sharma.

21 Q. When did you report it to
22 Dr. Sharma?

23 A. Should be the same -- I don't recall
24 the date, but usually the same day or next day,
25 because I worked with him every day.

1 A. Ali

2 Q. And what did Dr. Sharma tell you
3 after you told him that?

4 A. He told me, "I have been told the
5 same before."

6 Q. Who has been told, Dr. Sharma has
7 been told the same --

8 A. Dr. Sharma -- Dr. Sharma had been
9 told by Dr. Wandel the same statement before.

10 Q. About you?

11 A. Yes.

12 Q. Did he say anything else other than
13 he was told the same statement?

14 A. No.

15 Q. So you told Dr. Sharma.

16 Did you think you were being
17 discriminated against by Dr. Wandel at that
18 point?

19 A. I start to have the feeling that he
20 start discriminate by age. This is the only
21 explanation for him referring to that. I have
22 no other reason.

23 Q. Did you make any formal complaint
24 to NYMC regarding Dr. Wandel purportedly
25 discriminating against you on the basis of your

1 A. Ali

2 age?

3 A. No. In the health care field you
4 don't report your director just like that.

5 Q. All I want to know is whether you
6 did so or not, and you did not; correct?

7 A. No, I didn't.

8 Q. Now, did you tell anyone else other
9 than Dr. Sharma about Dr. Wandel's statement?

10 A. I believe I told Dr. Eric Rosenberg.

11 Q. Do you believe that, do you recall
12 that? I just want to know. You say you
13 believe that. Do you have a recollection?

14 A. I'm talking about three years. Yes,
15 I -- yes, I told him that. I did.

16 Q. When?

17 A. Should be after the meeting. I
18 don't know when.

19 Q. Who else was present, if anyone?

20 A. Say again.

21 Q. Anyone else present when you told
22 Dr. Rosenberg that?

23 A. No.

24 Q. Did you tell Dr. Rosenberg exactly
25 what you just testified to regarding what

1 A. Ali

2 Dr. Wandel said about getting up or being able
3 to get up in the middle of the night?

4 A. Yes.

5 Q. What did Dr. Rosenbaum say to you,
6 if anything?

7 A. He made no comments.

8 Q. Did you tell anybody else?

9 A. No. No. Dr. Sharma and
10 Dr. Rosenberg.

11 Q. Were you aware if there was any
12 policy in place at NYMC regarding who and what
13 to report in terms of discriminatory behavior,
14 were you aware of any policy?

15 A. No.

16 Q. Did you ask, inquire whether any
17 such policy existed so you could follow it in
18 making such a complaint?

19 A. I spoke to that Dr. Sharma, but not
20 after this instance -- but not after this
21 instance.

22 Q. Other than that one instance, what
23 you just told us about, did Dr. Wandel ever
24 say, not do, say anything to you that you
25 thought was discriminatory against you on the

1 A. Ali

2 basis of your age or national origin?

3 A. Yeah. He said about all foreigners,
4 foreign grad, they have to take a step 3, and
5 when I ask him that your American candidate who
6 match you don't ask them that, he says this is
7 the policy for foreign medical grad. It's not
8 only --

9 THE COURT REPORTER: I'm sorry, sir.

10 Could you repeat that last part.

11 A. Okay. Dr. Wandel, he referred that
12 the policy for foreign grad is to pass step 3
13 before they get in, and when I dispute that
14 with him in different situation, he explain
15 this is the policy and this is Dr. Bierman
16 dictations and they call it Bierman law, and
17 also there is a chain of e-mail from
18 Dr. Bierman to Wandel to Sharma state that
19 step 3 contingent for candidacy and then the
20 chain of e-mail from me from the New York State
21 medical board, from federal --

22 THE COURT REPORTER: I'm sorry, sir.

23 Could you just repeat that last part.

24 A. Dr. Bierman sent to Dr. Wandel
25 e-mail state that step 3 is contingent for

1 A. Ali

2 candidacy. Okay. Dr. Wandel forward this
3 e-mail to Dr. Sharma and I saw the e-mail, but
4 with the document production, zed (phonetic).

5 Two, I got e-mail from -- when I
6 thought it's a good mistake, I said maybe they
7 don't know, let me explain to them. I get an
8 e-mail from the New York State Medical Board,
9 from the federal and state medical board, from
10 the ACGME, it state that treating American grad
11 different from foreign medical grad fall under
12 provision of the harassment policy and
13 discrimination and I sent it to them.

14 Number three, I sent appeal letter
15 to Dr. Hutcheson, which is being drafted and
16 Dr. Sharma agree on the content.

17 Four, I drafted a dean -- a letter
18 to the dean, which Dr. Sharma was supportive to
19 it, and he ask me "go and they will call me, I
20 will come and I will follow with you." But
21 after that he told me the dean will not stand
22 up against the chair, you know.

23 Finally, the minutes meeting which
24 Dr. Bierman was clear about it, he state IMG,
25 step 3, they have to take an IMG -- IMG have to

1 A. Ali

2 take a step 3 and this is our policy. It was a
3 clear statement from him which has been
4 dictated in the minutes meeting.

5 Q. Thank you for setting out your case.
6 Of course my question was whether Dr. Wandel
7 had said anything, and then you went off on
8 your tangent, which I will get into all of it
9 in a moment.

10 What I want to know, sir, very
11 simple, other than telling you or saying
12 something about you getting up in the morning
13 or telling you that step 3 needed to be passed,
14 did Dr. Wandel say anything, say anything to
15 you --

16 A. No. No.

17 Q. -- that you considered to be
18 discriminatory on the basis of your age or
19 national origin?

20 A. Yes.

21 Q. He did not; correct?

22 A. No, I'm sorry, repeat that question.

23 Q. Yes.

24 A. The last question. The last
25 question.

1 A. Ali

2 Q. I will.

3 Other than Dr. Wandel telling you
4 that you had to pass step 3 or Dr. Wandel
5 saying he wondered whether you would be able to
6 get up in the middle of the night, did he say
7 anything else that you considered to be
8 discriminatory based on your age or national
9 origin, him say to you?

10 A. No, but I need to correct something.
11 He said step 3 required for foreign medical
12 grad, just passing step 3. Because if he say
13 passing step 3 for everybody, it's not
14 discrimination, but if he said step 3 only for
15 foreign medical grad, this is a point.

16 Q. Is there anyone else at NYMC or WMC,
17 that said anything to you while you were
18 working there that you considered to be
19 discriminatory based on your age or national
20 origin?

21 A. Away from that, no.

22 Q. Other than that, no. Okay.

23 Now, did you ever see any sort of
24 posting, any sort of cartoon, any sort of
25 e-mail that you think discriminated against you

1 A. Ali
2 on the basis of your age or national origin
3 from anyone at WMC or NYMC?

4 A. No.

5 Q. Go back to step 3 for a moment.

6 A. Sure.

7 Q. Who was the person that imposed the
8 step 3 obligation, to your knowledge?

9 A. First one was Dr. Sharma. And --
10 first one was Dr. Sharma. Second one was
11 Dr. Wandel.

12 Q. Correct me if I'm wrong. All right.
13 I thought you testified earlier today that
14 Dr. Bierman was the one who said that you had
15 to pass step 3?

16 A. I didn't -- Dr. Bierman dictates the
17 rule. I never have any direct communication
18 with Dr. Bierman. My testify in the morning
19 said Dr. Wandel said it's Dr. Bierman
20 regulation that foreign grad have to be step 3.
21 So Dr. Wandel conveyed the message from
22 Dr. Bierman to me and Dr. Sharma.

23 Q. So was it Dr. Wandel's requirement
24 or Dr. Bierman's, to your knowledge, the step 3
25 requirement?

1 A. Ali

2 A. I got the information from
3 Dr. Wandel, because this is the person I have
4 direct communication with him for the
5 residency.

6 Q. You said it was Dr. Bierman who
7 established that rule; correct?

8 A. Okay. There is -- just to be clear,
9 there is two different thing. There is someone
10 told me that I have to pass the step 3 and
11 there is someone established the rule. The
12 person who told me is Dr. Wandel. According to
13 what he told me, this is up to Dr. Bierman.
14 Another way Dr. Wandel get himself out of
15 situation, he doesn't make the rule, it's
16 Dr. Bierman and we have to follow.

17 Q. Okay. The first time you ever heard
18 of step 3 being involved in your residency was
19 from Dr. Wandel; am I correct?

20 A. It was from Dr. Sharma, as I
21 explained, but it was in general conversation,
22 "oh, you have to past the step 3."

23 Q. So the first person who said you
24 have to pass step 3 was Dr. Sharma?

25 A. Yes.

1 A. Ali

2 Q. When was that?

3 A. That was before the match of
4 November 2016.

5 Q. So you knew as of November --
6 sometime before November 2013 --

7 A. '16.

8 Q. -- 2016, excuse me, that you
9 would need to pass the step 3, according to
10 Dr. Sharma, before you could obtain that open
11 slot residency; correct?

12 A. He didn't -- he didn't condition it,
13 you know. He said, "oh, Amro, you have to
14 apply for step 3, you have to take it," but he
15 didn't say, "oh, if you didn't get step 3, you
16 will not get your residency spot."

17 Q. Well, did you ask him, "doctor,
18 since you told me if I do good work, which I
19 have been doing, why do I have to even consider
20 step 3," did you ask him that?

21 A. Yes, I ask him, and he said -- and
22 he said, "we don't want increase the bar."

23 Q. Don't what?

24 A. In other way, he told me as a
25 foreign grad that we take you. Now, if the

1 A. Ali

2 rule or the policy, even if it's not
3 legitimate, taking step 3, you know, we don't
4 want to increase the bar.

5 Q. When you say as a foreign grad, you
6 mean as a graduate of a foreign medical school;
7 correct?

8 A. Okay. Once -- okay. Once you open
9 your mouth and you start speak with an accent
10 and you have a different name, you classified
11 as a foreign grad regardless where did you get
12 your degree.

13 Q. Sir --

14 A. No, no, no, let me do. Let me
15 explain to you. This is science based.
16 Because there is more than one study has been
17 published in PubMed based on that. You know, I
18 can send you the paper that people made a study
19 and all what they change is the name of the
20 person from American name to Pakistani name and
21 they get different feedback from the residency
22 program. This article has been published 1999
23 and another one in 2010.

24 Q. You acknowledged earlier today that
25 there are plenty of foreign medical students

1 A. Ali
2 who attend -- medical students whose national
3 origin has nothing to do with America who
4 attend American medical schools; correct?

5 A. No, I didn't say plenty. I said I'm
6 sure there are some. If you go to the record,
7 we can read it. I said I'm sure there are
8 some. What I said there is plenty, I said
9 about American who attend the Caribbean
10 programs.

11 Q. Right, and there are Americans who
12 attend other programs outside of America;
13 correct?

14 A. Yes.

15 Q. And they are foreign medical
16 graduates, because they are from a foreign
17 medical school, aren't they?

18 A. No. They are treated completely
19 different. If you look at the policy of the
20 Caribbean hospital, all medical student in the
21 Caribbean program they get their training in
22 U.S. They get all their rotation of the two
23 clinical years in U.S., so they already exposed
24 here to the system, they do the rotation here,
25 they have a letter from the people here, and

1 A. Ali

2 also this kind of Caribbean program they pay
3 the hospital here so they accept them as a
4 trainee during their clinical rotation.

5 Q. Doctor, are you an expert on
6 Caribbean medical schools and American students
7 who attend there? Where did you obtain that
8 expertise?

9 A. I'm sorry?

10 Q. Where did you obtain any sort of
11 expertise as it pertains to Americans going to
12 Caribbean medical schools?

13 MR. SADOWSKI: Objection.

14 You can answer.

15 A. Okay. Can you rephrase the
16 question, please, just make sure I get it
17 right.

18 Q. You are talking about Caribbean
19 medical schools, somehow an example of American
20 students who come back to the United States.
21 Where did you get this knowledge? How did you
22 obtain this knowledge?

23 A. This is public information and it's
24 very well known people who have low MCAT, you
25 know, living in America, they go to Caribbean,

1 A. Ali

2 they can get the loans from U.S. to pay for
3 that, and they come here, they pay for -- they
4 attend all the rotations here and they match
5 here, and not only that, the Caribbean program,
6 they pay many community hospital here like
7 Riverdale, Bronx Lebanon Hospital to accept as
8 trainee.

9 Q. So do you believe that the step 3
10 requirement was imposed on you because of your
11 age, national origin, both or only one, which
12 is it?

13 A. Both.

14 Q. You think it's both, age and
15 national origin?

16 A. Yes.

17 Q. Go to Exhibit O, which you have
18 before you.

19 A. Yes.

20 Q. In your e-mail of Sunday, June 24,
21 2018, at 11:02, you say: "Hi Dr. Sharma, you
22 asked me to sit back and to think after this
23 devastating meeting."

24 Okay. Did he ask you to do that?

25 A. Yes.

1 A. Ali

2 Q. Did you do that?

3 A. Did I do what, sit and think about
4 the meeting?

5 Q. Sit back and think.

6 A. Yeah, of course.

7 Q. How long did you sit back and think?

8 A. Weekend.

9 Q. Then you wrote: "It is very clear
10 that I have been treated unfairly and have been
11 discriminated based on my age." Do you see
12 that?

13 A. Yes.

14 Q. So if you thought about it clearly
15 over the weekend, why didn't you include your
16 national origin as being your basis for
17 discrimination?

18 A. That based on the conversation he
19 conveyed to me from this meeting.

20 Q. So you are telling me that at the
21 time you wrote this e-mail that you believed
22 that you had been discriminated against based
23 on your national origin up to that point?

24 A. Yes, but I respond to the e-mail or
25 to the meeting he had.

1 A. Ali

2 Q. You say you have been discriminated
3 against based upon "my age," "treated
4 unfairly."

5 A. Yes.

6 Q. You don't put in national origin.
7 Why not?

8 A. Why not?

9 Q. Why not.

10 A. Because I put it in hundred e-mail
11 before and after that, so if I missed it in one
12 e-mail because I didn't write it, it doesn't
13 mean it's not there. I can say second thing I
14 was referring to certain meeting he attended.

15 Q. Let me ask you this: You say in
16 hundreds of e-mails before that you mentioned
17 your national origin as being a basis of
18 discrimination?

19 A. I had been mention in many e-mails
20 that I had been discriminated as an IMG.

21 Q. Who were those e-mails to?

22 A. To Sharma, to Wandel, to
23 Dr. Hutcheson -- I'm sorry. I have to say
24 Dr. Sharma, Dr. Wandel, Dr. Hutcheson.

25 Q. And how many e-mails? You say it

1 A. Ali

2 was hundreds?

3 A. Okay. I didn't count them, but I
4 promise I can count them for you exactly. I
5 would say at least twenty.

6 Q. If you wrote such an e-mail, sir,
7 you would have it on your system; correct?

8 A. Yes.

9 Q. Okay. I don't recall seeing
10 hundreds. I don't recall seek too many at all,
11 if anything, that mentioned national origin. I
12 know that you mentioned foreign medical student
13 grad, but if you have those, please secure
14 them. I will check against the production that
15 was made to me and see whether or not I am
16 missing any. Okay?

17 A. Okay.

18 Q. Now, let's go to Exhibit S, please.

19 A. I'm sorry. Exhibit O?

20 Q. Now we are done with that. Can we
21 go to Exhibit S as in Sam.

22 (Defendants' Exhibit S, e-mail dated
23 July 18, 2018, Bates stamped NYMC/WMC
24 000185 through NYMC/WMC 000189, marked for
25 identification.)

1 A. Ali

2 Q. This is your e-mail to
3 Dr. Hutcheson, appeal letter. For the record,
4 it is an e-mail from Amro Ali to Kelly
5 Hutcheson, Wednesday, July 18, 2018, 7:33 p.m.,
6 Bates stamped NYMC/WMC 185.

7 A. I'm sorry. Can you say which
8 exhibit please?

9 Q. Yes. Exhibit S. It's your appeal
10 letter to Dr. Hutcheson.

11 A. Oh, okay.

12 Q. Now, this is an e-mail that you sent
13 to Dr. Hutcheson as an appeal before the
14 meeting that you were going to have with her on
15 July 20th; correct?

16 A. Yes.

17 Q. And this is something that you had
18 provided to Dr. Sharma to review?

19 A. Yes.

20 Q. Now, if you will go to the second
21 page -- third page of the e-mail, please. No,
22 second page. I'm sorry.

23 The last paragraph: "In November,
24 2016 I applied to the SF match and I got my
25 formal interview at NYMC which I felt I did

1 A. Ali
2 very well especially when I met attending
3 physicians later and they showed happiness with
4 my work. I believe at that stage Dr. Wandel
5 interfered and mentioned that the residents
6 (Eric and Adam) gave me negative feedback."

7 When you say he interfered, other
8 than reporting to you purportedly that there
9 was negative feedback, how did he interfere?

10 A. He used this negative feedback or
11 assumed negative feedback to justify for me
12 that he cannot rank me high on the San
13 Francisco match.

14 Q. If Dr. Wandel had ranked you high,
15 was anyone else involved in the rankling
16 process for the San Francisco match?

17 A. Can you repeat the question again.

18 Q. Let me rephrase it.

19 Who makes the decision on the San
20 Francisco match?

21 A. Dr. Wandel.

22 Q. Only Dr. Wandel?

23 A. He got feedback from other people
24 who interview you, but he is the one made the
25 final rank list.

1 A. Ali

2 Q. Did you think at that time that
3 Dr. Wandel as early as November of 2016 when
4 you had been working there approximately 11
5 months or so, did you think that he was
6 actively discriminating against you on the
7 basis of your age or your national origin?

8 A. By the time of the match I didn't
9 think -- let me look here. Yeah, before that,
10 before that, if I recall right, I have the
11 incident of talking about my age, you know, but
12 the feedback I got from him that he has not
13 ranked me high because the resident talked
14 negative about me, that make me somehow
15 suspicious. To the extent of the
16 discrimination I get the impression when he
17 talk about my age before November interview --
18 before the matching process one time and when I
19 spoke also to Dr. Sharma.

20 Q. Before the match takes place he
21 mentions that comment about getting up out of
22 bed.

23 A. Yes.

24 Q. Then the match comes out and he told
25 that there was negative feedback. Did you

1 A. Ali

2 conclude at that point that he was preventing
3 you from getting the residency on the basis of
4 your age or national origin?

5 A. If I know he is lying, it would be a
6 fact for me, but I didn't know that he was
7 lying by that time.

8 Q. Now, you say subsequent to that that
9 you have reasons to believe it's not true. "I
10 knew from many sources that these residents
11 were very supportive of my candidacy.

12 Dr. Wandel tried to blame the residents for not
13 ranking me high as he mentioned to me while
14 ago."

15 Okay. Let me ask you: How many
16 sources did you consult regarding this as you
17 reported in this e-mail, how many sources?

18 A. Two sources.

19 Q. You told me you spoke to Eric
20 Rosenberg. Who else?

21 A. Eric Rosenberg and Dr. Sharma, and
22 also the people I got interviewed with them,
23 because I met one of them after that.

24 Q. I want to know how many people who
25 interviewed you did you speak with?

1 A. Ali

2 A. Okay. I had an interview with two
3 people, doctor Gerry Zaidman and Dr. Dave.
4 Dr. Gerry Zaidman, he is a cornea specialist at
5 Westchester Medical Center. Dr. Dave, she is
6 pediatric ophthalmology at metropolitan.

7 THE COURT REPORTER: I'm sorry.

8 Dr. Dave --

9 A. Pediatrics ophthalmology at
10 Westchester. I'm sorry. At Metropolitan. I'm
11 sorry.

12 Q. These were the interviews in
13 connection with the San Francisco match in
14 2016?

15 A. Correct.

16 Q. Any other interviews other than
17 those two?

18 A. No.

19 Q. Did you speak to any of them after
20 you did not get the match?

21 A. Yes.

22 Q. Who?

23 A. Dr. Dave.

24 Q. What did he say?

25 A. She. I met her when I was doing the

1 A. Ali

2 rotation at Metropolitan and she knew that I am
3 getting my orientation start and she said -- I
4 met her in the train and she was very happy and
5 she told me, "I am very happy that you are
6 here, I know you are doing well and I am happy
7 that you are joining us."

8 Q. Did she discuss what her
9 recommendations were in connection with the
10 2016 match?

11 A. No. No.

12 Q. Did you ask her?

13 A. Say again.

14 Q. Did you ask her what recommendation
15 she made, what match she made in the 2016
16 match?

17 A. It's not appropriate to ask
18 interviewer about the evaluation for you, so I
19 never asked those questions.

20 Q. Now, other residents are also
21 interviewed in connection with a question of
22 who is gonna make the match; correct?

23 A. Can you rephrase the question,
24 please.

25 Q. You had two doctors who interviewed

1 A. Ali

2 you?

3 A. Yes.

4 Q. And you are aware that other
5 residents in the ophthalmology department are
6 talked to regarding the potential candidates;
7 correct?

8 A. I knew that after from Dr. Wandel.
9 Not during the interview.

10 Q. I'm sorry. Say it again.

11 A. I knew this from Dr. Wandel. Not --
12 after the interview.

13 Q. All I am asking is the process, sir.
14 You have been through the match several times.

15 Are you aware that residents who may
16 not interview you but may be interviewed by the
17 interviewers to determine the candidacy for the
18 match?

19 A. It varied. Some program yes, some
20 program no.

21 Q. In this program were you aware if
22 any other residents were spoken to regarding
23 the November, December match of '16?

24 A. No. I had been told that Eric was
25 the main one who give the feedback and that was

1 A. Ali

2 from Dr. Wandel.

3 Q. Other than Eric and Adam, and I
4 don't believe you told me you spoke to Adam --

5 A. I said I didn't spoke to Adam after
6 that.

7 Q. But do you know as you sit here
8 today whether any other residents were, in
9 fact, spoken to regarding yours or anybody
10 else's candidacy for that 2016 match, do you
11 know?

12 A. No.

13 Q. Could you find me in this e-mail,
14 maybe I am just not looking at it properly,
15 whether you told Kelly Hutcheson that you
16 believed that your failure to get a residency
17 position was based on your age or national
18 origin? Take a moment to look through it.

19 (Document review.)

20 A. If you look at the page 00187,
21 paragraph number 3 -- I'm sorry. Third
22 paragraph 5. According to the NYMC
23 Westchester Medical contract, page 40, passing
24 step 3 is not requirement, and I continue the
25 program director, he mentioned that only accept

1 A. Ali

2 American without step 3, such contract is only
3 for American grad, whereas international grad
4 have to pass step 3.

5 You don't -- you don't send your
6 chairman, if you are still working in that
7 institute, a vile (phonetic) e-mail you tell
8 him you are discriminating against me. And I
9 will need to review this one, which is
10 corrected by Dr. Sharma, the original one that
11 I put, because Dr. Sharma when he edit it he
12 has tried to make it little bit mild so we
13 don't irritate Dr. Hutcheson and we keep open a
14 chance to keep things inside. So I will ask
15 for a review of the original one and compare to
16 the original one to the changes that has been
17 made by Dr. Sharma and if this changed the
18 content.

19 Q. In that paragraph you say -- you
20 mention American graduate. What are you
21 referencing when you speak of American
22 graduate?

23 A. What I mean -- what I mean by
24 American graduate?

25 Q. Uh-huh.

1 A. Ali

2 A. I mean people graduate from American
3 school.

4 Q. Now, any place in there that you
5 mention that your age played a role in the
6 decision making where you did not receive a
7 residency?

8 A. I need to review it all.

9 (Document review.)

10 A. Okay. The only thing I refer to
11 the age in paragraph number 1, which is I
12 mention -- paragraph number -- I'm sorry.
13 Page 2, paragraph 2, when I refer "I was very
14 clear about my age." And there is other e-mail
15 which I express that.

16 THE COURT REPORTER: I'm sorry, sir?

17 A. There is other e-mails where -- like
18 the other e-mail we just discussed we talk
19 about the age. That was exhibit, I believe, O.
20 Exhibit O we discussed that discrimination was
21 based on the age.

22 (Defendants' Exhibit T, Meeting
23 Minutes dated July 20, 2018, Bates stamped
24 NYMC/WMC 001779 through NYMC/WMC 001781,
25 marked for identification.)

1 A. Ali

2 Q. Okay. If you will go to Exhibit T
3 as in Tom, please. This is the meeting minutes
4 from July 20, 2018. For the record, these are
5 meeting minutes dated July 20, 2018, Bates
6 stamped NYMC/WMC 001779 through 1781.

7 A. I'm sorry. Give me -- give me one
8 minute more. One second. Okay, thank you for
9 you time. I have it.

10 Q. Now, have you had an opportunity to
11 read these minutes since the case started?

12 A. When the document had been provided,
13 yes.

14 Q. Do you know as you look at it, and
15 you can take the time, is there anything that's
16 inaccurate in these minutes?

17 A. Inaccurate, no. Incomplete, yes.

18 Q. Incomplete. What is missing from
19 the minutes that took place at that meeting?

20 A. When Dr. Bierman said that --
21 countered this is required for IMG, you know,
22 my understanding and my experience that age was
23 a factor also for establishing step 3 as an
24 extra hurdle for me, not only being IMG, but
25 that what he dictate -- that what he said.

1 A. Ali

2 Q. So you mentioned age and it didn't
3 appear in these minutes, is that what you are
4 saying?

5 A. No, I didn't mention age. When
6 he said -- okay. In the page number 2,
7 paragraph 4, Dr. Ali countered according to WMC
8 contract step 3 shouldn't have prevented him
9 from getting. "Dr. Bierman countered that this
10 is a requirement for IMG." My impression and
11 my experience with them is not only about being
12 IMG, it's all about my age, and that's what has
13 been stated in your first record from
14 Westchester, that step 3 was asked to me
15 because I am age and years off medical school
16 and lack of ophthalmology knowledge.

17 THE COURT REPORTER: I'm sorry?

18 A. In the first letter we got in
19 response to our complaint from New York Medical
20 College, they refer that step 3 has been asked
21 because I was away from my medical school for
22 long time and lack of clinical experience,
23 which, of course, is not true based on my
24 clinical training. So based on the letter I
25 got from them, I think it's also age.

1 A. Ali

2 Q. If you look at the paragraph just
3 follows that, it says: "Dr. Bierman countered
4 that this is a requirement for IMG. He also
5 stated that when there is an unplanned vacancy
6 and a discussion is had about the position, it
7 is not a 'forever offer'." Let's stop there
8 for a moment.

9 A. One second. One second. Which
10 paragraph?

11 Q. The paragraph right after the one
12 you read, "Dr. Ali countered."

13 A. Yes.

14 Q. The fact is by February of 2018 you
15 had not passed step 3; correct?

16 A. February 2018 I took the exam.

17 Q. You didn't pass until April;
18 correct?

19 A. Yes.

20 Q. They filled the position before you
21 had passed step 3; correct?

22 A. I don't know that.

23 Q. Well, the doctor who came in, Sameer
24 from the UAE, he started before you learned
25 that you had passed the step 3 or not?

1 A. Ali

2 A. No, no, no. He start July '18.

3 Q. Did you know that he had received
4 the position, even if he didn't start until
5 later, prior to the time that you passed
6 step 3?

7 A. I have no access to this
8 information, but I know he had been promised
9 the position since he was in Qatar.

10 Q. Now, I know there has been some
11 testimony regarding -- or some questions from
12 your counsel regarding how the meeting ended.
13 Were you escorted out by security?

14 A. No, not at all.

15 Q. Did the meeting end on a civil note?

16 A. Very nicely. Even just to explain
17 something, in Dr. Hutcheson testimony she
18 mentioned that she left the room with Michelle
19 Hodge and left people behind. That was not
20 correct. Dr. Bierman is the first one left the
21 room and Dr. Hutcheson and Dr. Wandel, they
22 were sitting. So he asked them directly, "why
23 you are not sitting, it's time to leave." So
24 they left with him. I only left with Michelle
25 Hodge, I shake hands with her, I say thank you

1 A. Ali

2 for the time, and she told me, "I'm sorry, I
3 hope seeing you in better situation." And when
4 I went down to the security office in the front
5 desk waiting for the car take me to the office,
6 I met Dr. Bierman and who spoke very nicely to
7 me and he told me, "oh, it's a nice day to have
8 a walk." So that is exactly what happened.

9 Q. So what was your last day of
10 performing research in your position as a
11 volunteer at Touro, what was your last day?

12 A. Physically it was July 20. I didn't
13 go after that, but I continued to work on some
14 paper with Dr. Sharma remotely.

15 (Defendants' Exhibit V, e-mail dated
16 September 27, 2018, NYMC/WMC 000335 through
17 NYMC/WMC 000337, marked for
18 identification.)

19 Q. If you will go to Exhibit V as in
20 Victor.

21 A. Can you tell me what it is, please.

22 Q. V as in Victor is an e-mail, the
23 first e-mail is from Dr. Sharma to you dated
24 September 27, 2018, Bates stamped, for the
25 record, NYMC 000335 through 337.

1 A. Ali

2 A. Yes, I have it.

3 Q. Before we get to that, did you
4 obtain employment anywhere else after July
5 20th, 2018?

6 A. Did I what?

7 Q. Employment. Did you start any job
8 after July 20th, 2018?

9 A. No.

10 Q. Have you been employed where you
11 have received wages or salary from July 20th,
12 2018, until today?

13 A. No.

14 Q. Have you tried to obtain employment
15 anyplace else?

16 A. Yes.

17 Q. Where?

18 A. I applied in positions at Bronx
19 Lebanon, I applied position at SUNY, and it was
20 very clear to me, especially with the Bronx
21 Lebanon, that there is a negative feedback come
22 from somewhere.

23 Q. We will get to that. Anyplace else?

24 A. I applied in many places. Even I
25 applied at pharmaceutical company just trying

1 A. Ali

2 to make a living on the side, but of course
3 because my experience is clinical it was hard.

4 THE COURT REPORTER: Sir, I'm sorry.

5 You said "I applied in many places. Even I
6 applied at" --

7 A. I applied in different position,
8 including Bronx Lebanon and SUNY Downstate for
9 an open position.

10 Q. I produced to you e-mails from
11 Dr. Sharma's system. Your counsel has produced
12 to me other e-mails that he says were not
13 produced. I am looking into that in connection
14 with Dr. Sharma.

15 A. Thank you.

16 RQ MR. MILLUS: I am going to call for
17 the production of any document referring to
18 your attempts to obtain employment
19 subsequent to your leaving Touro, which
20 would include, but not be limited to, cover
21 letters, resumes or CVs, and the responses
22 of those entities to your attempt to obtain
23 a position. Okay?

24 THE WITNESS: Okay.

25 MR. MILLUS: I just put that on the

1 A. Ali

2 record. I will follow up in writing, but
3 these are not just communications between
4 yourself and Touro, these are
5 communications with third parties in
6 attempts that you have made to obtain
7 employment.

8 Q. All right. Now, so look at
9 Exhibit V, if you will. Exhibit V, that e-mail
10 from Dr. Sharma on top, and it includes an
11 e-mail from you. "Personal statement."

12 Is this a letter of recommendation
13 you are asking Dr. Sharma to sign?

14 A. No, this was a personal assessment
15 and letter to apply for internal medicine.

16 Q. So which position was this for?
17 What were you trying to get at this time with
18 this letter?

19 A. I was applying for internal medicine
20 residency at PGY1.

21 Q. At where?

22 A. At North Shore LIJ, Forest Hills.

23 Q. And this was not in ophthalmology?

24 A. No.

25 Q. Okay. So you applied for a position

1 A. Ali

2 there. Why did you apply for a position that
3 was not involved in ophthalmology?

4 A. Because I have to support my family.

5 Q. Fair enough.

6 And what was the result of your
7 application?

8 A. I got an interview, but I drop it.

9 Q. You dropped it?

10 A. I got the interview, but I dropped
11 the interview. I didn't go.

12 Q. Why didn't you go?

13 A. Because at the last minute I felt
14 it's not fair for me after fifteen years of
15 working hard to achieve ophthalmology I make
16 anybody make me go away from my passion.

17 Q. I understand you have a passion, but
18 you got competing concerns here. You want to
19 follow your passion, but you just told me you
20 have to support your family. So how do you
21 reconcile that?

22 A. I look for alternatives. I start to
23 look for things that I owe back home to send
24 it, I start to get support from my family, I
25 get support from my wife. I look for

1 A. Ali

2 alternatives.

3 (Defendants' Exhibit W, e-mail dated
4 August 7, 2018, marked for identification.)

5 Q. Go to Exhibit W. It's a little bit
6 earlier in time. It's actually the month
7 before. Exhibit W. This is an e-mail from you
8 to Dr. Sharma. Do you see that?

9 A. Yes.

10 Q. This is a document produced by your
11 counsel. It's not Bates stamped. It's an
12 e-mail from you to Dr. Sharma dated August 7,
13 2018.

14 Let me ask you, when it says: "Hi
15 Dr. Sharma, I though" -- I'm sure you meant
16 thought -- "that it is important to let you
17 know that I will call Dean's assistant."

18 What dean's assistant, who were you
19 gonna call?

20 A. Dr. McCormick (phonetic).

21 Q. Or where is he located?

22 A. Dr. McCormick is a DOI of
23 ophthalmology and OB/GYN and he is a close
24 friend to Dr. Sharma. He knows him very well.

25 Q. At what hospital?

1 A. Ali

2 A. He is associate assistant dean at
3 New York Medical College.

4 Q. Okay. And what were you trying to
5 get? Were you trying to get a position?

6 A. No. As you see from the e-mail, I
7 found that I have the problem with the program
8 director and the GME and they cannot understand
9 or admit that they put something against me,
10 brought me back, so as I said in the meeting, I
11 try always to resolve problem on a friendly
12 way, so I thought it's important to go to the
13 dean or the dean office before I go outside.

14 Q. When you say problems, you are
15 talking about you are referring back to not
16 getting the residency, you were going to bring
17 it up with the dean; is that correct?

18 A. Yes, not the residency, the extra
19 requirement of a step 3, exactly, that was the
20 main issue.

21 Q. Did you have a meeting with the
22 dean?

23 A. No. I wrote the letter, I draft it,
24 Dr. Sharma review it, I ask Dr. Sharma at
25 second page of the letter to join me. He

1 A. Ali

2 advise me to go alone and he will wait for the
3 phone call so he can join. After that
4 Dr. Sharma he told me nothing will come easy
5 from Westchester and the deans will never
6 assist me against the chairman.

7 Q. So you never sent it to the dean?

8 A. No.

9 Q. Okay. Please go to Exhibit X,
10 please.

11 (Defendants' Exhibit X, e-mail dated
12 October 22, 2018, Bates stamped NYMC/WMC
13 000338 through NYMC/WMC 000340, marked for
14 identification.)

15 Q. This is an e-mail from Dr. Sharma on
16 top to you dated October 22, 2018. This is
17 Bates stamped NYMC/WMC 000338 through 340.

18 Do you see that?

19 A. Yes, I do.

20 Q. Okay. Can you tell me who was this
21 letter going to go to?

22 A. This is for Dr. Laudi, the program
23 director at SUNY Downstate.

24 Q. So this is one of the positions you
25 applied for; correct?

1 A. Ali

2 A. Yes. I interviewed too.

3 Q. What position was this?

4 A. It was a PGY2 ophthalmology.

5 Q. In ophthalmology. Okay.

6 And who did you interview with?

7 A. I interview with Dr. Eric -- the
8 people I know -- I mean, there was a panel.
9 The people I know was Dr. Eric Smith and
10 Dr. Danias.

11 Q. Were you appreciative of
12 Dr. Sharma's help in assisting you in
13 correcting your letters and so forth?

14 A. Say again.

15 Q. Were you thankful to Dr. Sharma that
16 after you left NYMC he was still trying to
17 assist you in obtaining a new position?

18 A. I always have good communication and
19 he is always supportive.

20 Q. All right. Now, this particular
21 position, did you get it or not?

22 A. I didn't get it.

23 Q. Do you feel that you didn't get it
24 based on your age or national origin?

25 A. No. I didn't get it because certain

1 A. Ali

2 instance, okay, I had the interview with
3 Dr. Erick Smith, E-R-I-C-K Smith, the chief of
4 the VA, and Dr. Smith, he offered me a position
5 before when I was at NYU, and I dropped this
6 position because by that time I had the fund
7 from the glaucoma foundation. He was not happy
8 that I dropped that position when he offered
9 me. That's why he was against me this
10 interview, and that had been told by Dr. Danias
11 to the chairman, Dr. Sharma.

12 Q. Maybe I am missing something here
13 and I apologize.

14 A. I'm sorry.

15 Q. Bottom line is you didn't get this
16 position; correct?

17 A. No, the bottom line is why.

18 Q. Okay. That's the bottom line for me
19 with this question. You didn't get this
20 position. I will get back to why in a second.

21 A. Okay.

22 Q. Do you believe that someone
23 associated with NYMC or WMC spoke ill of you
24 somehow impacting your not getting this
25 position?

1 A. Ali

2 A. Maybe. I don't know. I don't know
3 the answer, because if they did, how do I know.

4 Q. Again, all we are looking for is
5 evidence here. So if you have something, I'd
6 love to know it. If you said, "Dr. Wandel
7 called up and said I'm the worst guy in the
8 world," which, of course, wasn't true, I'd like
9 to know about it.

10 A. And if Dr. Wandel called, he would
11 call in front of me?

12 Q. No, you might find out. You might
13 find out.

14 A. Okay.

15 Q. In other words, you speculate, you
16 think that maybe something happened, but you
17 don't know for sure?

18 A. No, I don't know for sure.

19 Q. Any other positions that you applied
20 for that we haven't discussed right here?

21 A. I -- no, it's not here. I applied
22 in a position in Bronx Lebanon and it was very
23 interesting. They called me, they asked me
24 "when would you start," and by that time I was
25 off New York Medical College. Then they

1 A. Ali

2 vanished, I didn't hear from them, didn't reply
3 to my e-mail, nothing.

4 Q. Do you think Bronx Lebanon was
5 discriminating against you on the basis of your
6 age or national origin?

7 A. No, I think somebody Bronx Lebanon
8 as part of the normal system they called
9 Westchester and they got negative feedback.

10 THE COURT REPORTER: I'm sorry, sir?

11 "Bronx Lebanon as part of the normal
12 system" --

13 A. That they have to call the last
14 employee, which is the Westchester Medical
15 Center, and I'm sure the way that things
16 appeared after they ask me "when can you start"
17 and if you have a visa issue, and they
18 disappeared after that, they didn't respond to
19 my phone call, they didn't respond my e-mail.
20 Even people when they change their mind or
21 withdraw the position or they fill the position
22 they tell you "thank you, the position has been
23 filled," but people come to you, they call you
24 asking you to come and to start and then they
25 walk away, that's not usual in the field.

1 A. Ali

2 Q. You don't have any proof of that;
3 right?

4 A. No. But I'm sure if there is
5 document production, maybe we can see some
6 e-mails from them.

7 Q. Let me ask you this: Other than
8 those positions, any other -- this is for a
9 period of, you know, two years. Any other
10 positions you applied for other than what you
11 just testified to?

12 A. I applied in position in
13 pharmaceutical company. I don't recall for now
14 what was the position and when, but I applied
15 in different things. I don't have recollection
16 to everything I applied, you know.

17 Q. Have you applied for the San
18 Francisco match since you left Touro?

19 A. No.

20 Q. Could you have?

21 A. Everything is possible, yes.

22 Q. Well, everything is possible, I
23 guess.

24 A. Yeah, I can apply, yes.

25 Q. I mean, in 2018 at the end of the

1 A. Ali

2 year was there a match?

3 A. Yes.

4 Q. 2019 at the end of the year was
5 there a match?

6 A. Yes, and '20 will do the match.

7 Q. And '20 it's probably not yet;
8 correct?

9 A. It's coming.

10 Q. In other words, why wouldn't you if
11 there were other possibilities to keep your
12 passion alive, why wouldn't you try to get into
13 any one of these other matches?

14 A. Okay. Again, the same answer I
15 mentioned earlier. Most of the program they
16 take you as a medical graduate, foreign medical
17 graduate, you have to do something for them.
18 You have to give them something in return.
19 Okay. I give New York Medical College three
20 years of free work for them. I give them
21 publication out of work. So that's why they
22 were entitled to offer me the position as they
23 promised, but now if you go to other program,
24 you did nothing for him, you didn't even post
25 his name on publication. They don't know you.

1 A. Ali

2 They never saw you. You are a foreign grad.

3 Why would even they would think to offer you an
4 interview.

5 (Defendants' Exhibit Z, e-mail dated
6 January 11, 2016, marked for
7 identification.)

8 Q. If you will go to Exhibit Z, please,
9 Z as in zebra.

10 A. Yes.

11 Q. It is an e-mail on top from
12 Dr. Sharma to you, January 11, 2016, document
13 produced by your counsel. It doesn't have a
14 Bates stamp on it.

15 The below e-mail is from Eric
16 Rosenberg to Dr. Sharma, subject: "May be
17 worth forwarding to Amro."

18 Is this regarding an ophthalmology
19 position in Shreveport, Louisiana?

20 A. Yeah, this is offer for San
21 Francisco match.

22 Q. And did you apply for that position?

23 A. I don't recall, but usually I apply
24 most of the positions. I don't recall this one
25 in particular, but usually I apply for all the

1 A. Ali

2 positions. Anything open, I apply for.

3 Q. And you would apply even though you
4 had no connection with Shreveport, Louisiana,
5 you didn't -- they didn't see you perform or
6 otherwise, because that's what the San
7 Francisco match is all about, right, you apply
8 for various positions; am I correct?

9 A. Yeah, but San Francisco match is
10 apply for various position, I agree with you,
11 but you should know that your chances are
12 always higher when are you working when people
13 know you. It doesn't mean that you don't apply
14 and you don't try anything, but you know your
15 chances is much higher where are you work.

16 Q. I know you said that, but again, and
17 it may be very, very true, but in the past when
18 you applied for the San Francisco match, you
19 applied for multiple potential matches;
20 correct?

21 A. Very few program. Not more than
22 ten.

23 Q. Okay. But more than one; right?

24 A. Yeah. Because you pay the same
25 amount of money.

1 A. Ali

2 Q. But since you have left, since you
3 have left Touro -- excuse me -- NYMC, since you
4 have left, you haven't availed yourself, even
5 though you are not associated with those
6 programs, you haven't tried to match anywhere;
7 correct?

8 A. I tried to apply other places. I
9 applied other places.

10 Q. For open positions?

11 A. For open positions, yeah.

12 Q. Okay. All right. Okay. Now, let
13 me ask you -- we are really -- we are on the
14 tail end here. Very shortly.

15 Have you suffered any mental illness
16 of any kind as a result of what you claim to be
17 Touro's bad behavior -- I'm sorry -- NYMC's bad
18 behavior or WMC?

19 A. What's your definition for mental
20 illness?

21 Q. Have you sought out the treatment of
22 a psychiatrist, psychologist or social worker
23 concerning any mental malady that you had that
24 you believe was caused by NYMC or WMC?

25 A. If you ask me I suffered, of course

1 A. Ali

2 I suffered a lot. If I see psychiatrist, no.

3 I don't like see psychiatrist.

4 Q. You haven't sought out treatment
5 from a medical professional; correct?

6 A. No.

7 Q. You are not taking any medications
8 related to any condition that you believe was
9 caused by NYMC or WMC; correct?

10 A. There is 90 percent of the people
11 have stress and anxiety and they don't get
12 treatment.

13 Q. So the answer is no, you haven't
14 sought out any medications, you are not taking
15 any?

16 A. No, I don't take medications.

17 Q. And in terms of -- so you are saying
18 that yes, you have suffered stress and anxiety
19 as a result of not getting what you thought you
20 should have gotten based upon reasons that you
21 believe to be unfair and/or unwarranted;
22 correct?

23 A. Yes.

24 Q. In terms of dollars and cents, have
25 you sat down and tried to figure out what your

1 A. Ali
2 monetary damages would be as a result of your
3 not receiving the residency that you thought
4 you should have received?

5 A. Okay. Talking about dollars, I
6 would just like to reveal one thing. There is
7 no amount of money that you can have can buy
8 you three years of your life. There is no
9 amount of money you can have that make you take
10 the stress and the depression and the suffering
11 you have from your memory. There is no amount
12 of money you can have that make you feel always
13 you are not --

14 THE COURT REPORTER: I'm sorry, sir.
15 "Always you are" --

16 A. There is no amount of money that you
17 can have to compensate you for the feeling and
18 the frustration that after all this work you
19 are not belonging to here and now you can just
20 walk away. Only what I can say that there is
21 average income for ophthalmologist. This thing
22 make we work three years as a research
23 scientist for free. This thing make me delayed
24 of my graduation of my candidate four years.
25 So four years of being attending physician

1 A. Ali
2 ophthalmologist and the same salary that come,
3 there is published numbers, the average income
4 for academic is around 350,000, if you go to
5 private it go at 500,000. This is number
6 posted online.

7 Q. Okay. Let me start with this. In
8 other words, what do you think you should have
9 been paid per year, assuming that you were to
10 be paid per year, for the services you rendered
11 to NYMC as a writer, researcher and academic,
12 essentially, what should you have earned for a
13 year?

14 A. For research scientist position?

15 Q. Yes.

16 A. I don't have exact answer for
17 research scientist position.

18 Q. You said you went online. What were
19 you looking at online?

20 A. Oh, for the ophthalmology.

21 Q. Okay.

22 A. Delay my graduation four years, so I
23 should be more working four years of
24 ophthalmology as attending physician.

25 Q. Okay. So let's get to that then.

1 A. Ali

2 In other words, had you obtained
3 residency status, how much would you have made
4 per year?

5 A. If I work in university, like 300,
6 350. If I work private, 500,000.

7 Q. Okay. And was there anything -- if
8 you did obtain a residency, could you simply
9 open up a shop yourself and open up a private
10 shop or work with a practice?

11 A. No. Once you physician -- and that
12 should be my plan in the future, because I
13 don't think any institute will hire me after
14 this lawsuit, so I should go for private
15 practice. I have no chance for academia. I
16 was interested to pursue this way, but with
17 this situation, when I finish my residency, I
18 will go for private practice.

19 Q. Is this -- the fact that you filed a
20 lawsuit, is that preventing you in any way from
21 seeking out another residency someplace else?

22 A. Of course. Because people first
23 thing they do is they look up your name online.
24 Who are going to hire someone involved in
25 lawsuit. Even if he is perfect, he did nothing

1 A. Ali
2 wrong, people don't care. You are in lawsuit,
3 you are a liability. Bye-bye. Get someone
4 else.

5 Q. So you are putting all your emphasis
6 on this lawsuit because you think that the
7 lawsuit itself harms your ability to obtain
8 another residency position someplace else;
9 correct?

10 A. I take all my impact on this lawsuit
11 to get the right thing which has been taken
12 away from me. That's why I am proceeding this.
13 The second thing, which also the most important
14 thing, I don't want this happen to other
15 people. So if I suffer, I don't want other
16 people to suffer. So maybe the lawsuit also
17 will help the college to have better policy to
18 prevent harassment and discrimination.

19 MR. MILLUS: Okay. Let's take ten
20 minutes. I am going to make a couple phone
21 calls and confer with my client and my
22 colleague and we may be able to wrap up.
23 Okay?

24 THE WITNESS: Thank you. I
25 appreciate that.

1 A. Ali

2 (Recess was taken from 2:44 to
3 2:53.)

4 BY MR. MILLUS:

5 Q. Dr. Sameer, the person from the UAE,
6 do you know where he attended medical school?

7 A. I think in Jordan.

8 Q. Do you know his national origin?

9 A. I believe he is Jordanian.

10 Q. He is what?

11 A. He is from Jordan, so he would
12 be there, I believe so.

13 Q. He is not American, though; correct?

14 A. No.

15 Q. Okay.

16 A. But he worked with the chairman.

17 Q. I know that.

18 A. That's enough.

19 Q. One thing -- and I think it's there,
20 but I just want to make sure, so I apologize.

21 Earlier you testified that
22 Dr. Sharma made you an explicit promise that if
23 you do good work, you will get this position,
24 and that was made sometime, I believe, in 2015.
25 Am I correct?

1 A. Ali

2 A. Yes.

3 Q. When is the first time that

4 Dr. Wandel made a similar promise?

5 A. In the same year, because I met with
6 him before I applied for the faculty position
7 and I accept everything.

8 Q. In 2015?

9 A. Yes.

10 Q. Now, what was the relationship
11 between the departments, in other words, did
12 Dr. Wandel, was he part of the ophthalmology
13 department at WMC, was he part of the
14 department at the NYMC? What did you know
15 about his relationship between the two
16 departments?

17 A. Relationship between Dr. Wandel and
18 the ophthalmology department?

19 Q. Yes. In other words, we know that
20 Dr. Sharma is associated with NYMC, he is the
21 head of the ophthalmology department; correct?

22 A. Dr. Sharma?

23 Q. Dr. Sharma.

24 A. He was the head of the research.

25 Q. Research.

1 A. Ali

2 What was Dr. Wandel's position?

3 A. Dr. Wandel was an assistant
4 professor at New York Medical College and the
5 program director of ophthalmology department at
6 New York Medical College and Westchester
7 Medical Center.

8 Q. What I want to understand is if
9 Dr. Sharma made you this promise, when you went
10 to Dr. Wandel, did he make this promise based
11 upon your saying the same thing you told
12 Dr. Sharma, "why would I leave NYU, you know,
13 why would I do this for more research," I just
14 want to understand, how did Dr. Wandel say
15 that, why was that?

16 A. I understand your question.
17 Dr. Sharma had extensive discussion before I
18 joined the New York Medical College as a
19 researcher, because I was clear with him from
20 the beginning, so -- which is something I
21 expected he communicated with Dr. Wandel,
22 that's what he said to me, and he discussed the
23 situation with him and he assured me that
24 Dr. Wandel agreed. That's from Dr. Sharma.
25 When I met with Dr. Wandel, he talk about the

1 A. Ali

2 residency and the research and I would be
3 rewarded by the residency even -- even when I
4 didn't pass the step 3. I called Dr. Wandel
5 over the phone the same day. "I'm sorry, I
6 didn't pass it." And he said, "you will get
7 the position as long as Dr. Sharma have your
8 support." So it was clear statement from
9 Dr. Wandel.

10 (Continued on next page to include
11 jurat.)
12
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19
20
21
22
23
24
25

1 A. Ali

2 Q. So as long as Dr. Sharma has your
3 support. Was it then contingent upon
4 Dr. Sharma's support or Dr. Wandel's support or
5 both?

6 A. I don't know who would carry more
7 weight, but I know they are working together
8 for 45 years.

9 MR. MILLUS: Okay. Thank you very
10 much for your time. The deposition is
11 over. Any questions from, Rob?

12 MR. SADOWSKI: No, none for me.

13 MR. MILLUS: Okay.

14 (Time noted: 2:57 p.m.)

15

16

17

18

AMRO ALI

19

20 Subscribed and sworn to before me

21 this day of 2020.

22

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25

-----I N D E X-----

WITNESS	EXAMINATION BY	PAGE
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AMRO ALI	MR. MILLUS	4
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-----REQUESTS-----

Page 177 Any document referring to
attempts to obtain employment
subsequent to leaving Touro, which
would include, but not be limited
to, cover letters, resumes or CVs,
and the responses of those entities

-----TO BE FURNISHED-----

Page 91 Daniel's full name

109 Date and time of phone call with
Eric Rosenberg

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Ali v. Westchester Medical
 Dep. Date: September 29, 2020
 Deponent: Amro Ali

CORRECTIONS:

Pg.	Ln.	Now Reads	Should Read	Reason
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ____ DAY OF _____, 2020.

(Notary Public) MY COMMISSION EXPIRES: _____